

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 10, 2008

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

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

Brewer called the meeting to order at 7:00 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 7, 8 and 11 be removed from the Consent Agenda for separate consideration.

Brown requested that Items 16 and 17 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Rolinger and unanimously carried to approve the Consent Agenda Items 1 thru 20 in accordance with the staff recommendations with the exception of Items 7, 8, 11, 16 and 17. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 27, 2008 Planning Commission Meeting 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 May 8, 2008 Planning Commission meeting.
3. No. 07PL166 - Spring Creek Estates Subdivision
A request by Oliver A. Freimark to consider an application for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4

SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8686 South Highway 16.

Planning Commission approved the Layout Plat with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval identifying the phasing of any proposed future development and parcel subdivision;**
- 2. Upon submittal of a Preliminary Plat application, a copy of the recorded miscellaneous document creating the access easement shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the access easement with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow the access easement to serve seven lots in lieu of four lots as per the Street Design Criteria Manual or the easement shall be dedicated as right-of-way;**
- 5. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow a 1,350 foot long cul-de-sac with no intermediate turnarounds every 600 feet in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;**
- 6. Upon submittal of a Preliminary Plat application, 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. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and domestic**

DRAFT

flows are being provided shall be submitted for review and approval. In addition, the plat document shall be revised to provide utility easements as needed;

8. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval;
9. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
11. Prior to approval of a Preliminary Plat application by Planning Commission, the property shall be rezoned to allow the proposed lot size or a lot size Variance shall be obtained from Pennington County;
12. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
13. 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,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*4. 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 April 24, 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.

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

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

DRAFT

described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

Planning Commission continued that the Vacation of Right-of-way to the April 24, 2008 Planning Commission meeting.

6. No. 08AN006 - Section 21, T2N, R8E

A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** on NE1/4 NW1/4, NE1/4, N1/2 N1/2 NW1/4 SE1/4, N1/2 N1/2 W1/2 NE1/4 SE1/4, E1/2 NE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road.

Planning Commission approved that the Petition for Annexation contingent on any payment due to the North Elk Fire Protection District being made by the City of Rapid City.

*9. No. 08PD011 – Minnesota Ridge Subdivision

A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2 of Tract A of Minnesota Ridge Subdivision, located in the NW1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4015 Fifth Street.

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

1. **Prior to Planning Commission approval, new surety shall be posted for the sidewalk or the sidewalk shall be installed, inspected and accepted;**
2. **Prior to Planning Commission approval, a lighting plan shall be provided per Section 17.50.270 of the Rapid City Municipal Code;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
6. **All applicable provisions of the International Fire Code shall be continually met;**
7. **If the area of disturbance exceeds one acre, an Air Quality Permit must be obtained prior to issuance of a building permit;**
8. **A sign permit must be obtained prior to installation of any signage;**
9. **The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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

DRAFT

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.

10. 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 approved the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by Planning Commission, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Cobalt Drive;**
3. **Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Auburn Drive;**
4. **Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Misty Woods Drive;**
5. **Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities and a temporary turnaround for the west end of Calla Drive;**
6. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show "Misty Woods Lane" and revised road name shall be submitted for review and approval for "Calla Drive";**
7. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
8. **Prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval;**
9. **All International Fire Codes shall be continually met;**
10. **Upon submittal of a Final Plat application, surety for any required**

DRAFT

subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

- 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
12. No. 08PL029 – Engesser Subdivision
A request by Sperlich Consulting for TK Engessor Investments LLC to consider an application for a **Preliminary Plat** on Lots 1 through 5, Engessor Subdivision, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SE1/4, less Lot H1 of the NE1/2 SE1/4, less Lot A of the NE1/4 SE1/4, less Lot PE1 of the NE1/4 SE1/4 and less a portion of a South Dakota owned Railroad Right-of-Way, all in Section 24, T1N, R8E, BHM, located in the E1/2 SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Dunn Road and west of Radar Hill Road.

Planning Commission denied the Preliminary Plat without prejudice at the applicant's request.
13. No. 08SV013 - Engesser Subdivision
A request by Sperlich Consulting for TK Engessor Investments LLC to consider an application for a **Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, asphalt, street light conduit, sewer and water along Dunn Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 5, Engessor Subdivision, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SE1/4, less Lot H1 of the NE1/2 SE1/4, less Lot A of the NE1/4 SE1/4, less Lot PE1 of the NE1/4 SE1/4 and less a portion of a South Dakota owned Railroad Right-of-Way, all in Section 24, T1N, R8E, BHM, located in the E1/2 SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Dunn Road and west of Radar Hill Road.

Planning Commission denied the Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, asphalt, street light conduit, sewer and water along Dunn Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code without prejudice at the applicant's request.
14. No. 08PL030 - Homestead Plaza Subdivision
A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the April 24, 2008

Planning Commission meeting with the applicant's concurrence to allow outstanding issues to be addressed.

15. No. 08SV014 - Homestead Plaza 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 and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code to the April 24, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

18. No. 08SR010 - Founders Park Subdivision

A request by Black Hills Mountain Bike Association for Parks and Recreation 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 approved the SDCL 11-6-19 Review to allow temporary structures on public property.

19. No. 08SR025 - Section 30, T1N, R9E

A request by Ferber Engineering for the City of Rapid City to consider an application for an **11-6-19 SDCL Review to develop a wetland mitigation area on public property** on a portion of Lot 1R of Waste Water Plant Tract and Lot 2 of Tract C, Section 30, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Water Reclamation Facility.

Planning Commission approved the 11-6-19 SDCL Review to develop a wetland mitigation area on public property.

20. No. 08VE005 - Limestone Subdivision

A request by Renner & Assoc. for Pete Lien & Sons to consider an application for a **Vacation of Access Easement** on 50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South

Dakota, more generally described as being located at Universal Road and Sturgis Road.

Planning Commission continued the Vacation of Access Easement to the May 22, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

***7. No. 08PD004 - Rushmore Crossing**

A request by Dream Design International, Inc. to consider an application for an **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; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°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°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°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°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°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°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°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°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence

twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of 16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; 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.

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

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

Rolinger moved, Collins seconded and carried to approve the Major Amendment to a Planned Commercial Development to revise the landscaping plan with the following stipulations:

1. Prior to Planning Commission approval, the existing Air Quality Permit shall be renewed or a new Air Quality Permit shall be obtained;
2. The landscaping points are hereby reduced from the previously required 633,214 points to 518,214 points. In particular, a minimum of 401,107 planting points shall be provided within the parking lot and 117,107 planting points shall be provided along Eglin Street. In addition, a minimum of 49 landscape islands shall be provided within the parking lot. The balance of the previously approved 115,000 landscape points shall be provided within the adjacent parcel, along the pedestrian walkway as shown on the applicant's site plan. All landscaping shall be continually maintained in a live, vegetative state and replaced as necessary;
3. The previously approved plant species of Marshall's Seedless Ash, Bergeson Ash and Maples shall be replaced with Patmore Green Ash, Prairie Spire Ash, Little Leaf Linden, Boulevard Linden and similar species;
4. A building permit shall be obtained prior to construction of the parking lot;
6. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
7. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (7 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, LeMay and Rolinger voting yes and none voting no and Waltman abstaining)

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

*8. No. 08PD006 - Rockinon Ranch Estates

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 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.

Fisher presented the staff's recommendation to approve the Planned Residential Development request with stipulations and a revised legal description.

Rolinger moved, Brown seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following revised legal description being a parcel of land, located in the North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) of Section 23, Township Two North (T2N), Range Seven East (R7E), Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being on the southerly lot line of Lot Seven (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

DRAFT

follows: THENCE FIRST COURSE: along the southerly line of said Lot 7 bearing N 89°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 Thirty-Two (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 Thirty-One (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 Twenty-Two 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 S00°04'21"E and a distance of 282.61 feet; THENCE SEVENTH COURSE: along a line bearing S89°54'06"W and a distance of 73.98 feet; THENCE EIGHTH COURSE: along a line bearing S00°05'54"E and a distance of 153.24 feet to an intersection with the C-N 1/64 section line of said Section 23, said intersection point bears N89°55'28"E and a distance of 197.48 feet from the N-S 1/64 Section Corner which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; THENCE NINTH COURSE: along said C-N 1/64 section line bearing S89°55'28"W and a distance of 409.10 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 TENTH COURSE: along a line bearing N00°09'40"W and a distance of 412.00 feet to the Point of Beginning and with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 3. On Lots 23 thru 30, Lots 33 thru 35 and Lots 11 thru 14, a minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. A minimum 25 foot rear yard setback shall also be provided;**
- 4. On Lot 8, a minimum 18 foot side yard setback along Hendrix Drive shall be provided and a minimum 25 foot front yard setback along Santana Court shall be provided In addition, a minimum side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. A minimum 25 foot rear yard setback shall also be provided;**
- 5. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development. In addition, the color**

- scheme shall consist of brown, white and/or blue earth tone shades;
6. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met; and,
 7. Lots 9 and 10 shall be used as a detention site until an alternate drainage detention facility is constructed. In addition, a Major Amendment to the Planned Residential Development must be obtained prior to any other use of Lots 9 and 10. Single family residence(s) shall be allowed on the balance of the lots. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

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

11. No. 08PL025 - Elks Country Estates
A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development to consider an application for a **Preliminary Plat** on Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3522 Sawgrass Court.

Fisher presented the staff's recommendation to continue the Preliminary Plat to the May 8, 2008 Planning Commission meeting at the applicant's request.

LeMay moved, Gregg seconded and unanimously carried to continue the Preliminary Plat to the May 8, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

Brown requested that items 16 and 17 be taken concurrently.

DRAFT

16. No. 08PL031 - Neff's Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on Tract BR, Neff's Subdivision No.4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Jolly Lane terminus, east of Elk Vale Road.

17. No. 08SV015 - Neff's Subdivision

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Tract BR, Neff's Subdivision No.4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Jolly Lane terminus, east of Elk Vale Road.

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

Waltman moved, LeMay seconded and unanimously carried to approve the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 1,200 foot long cul-de-sac street with no intermediate turnaround at a 600 foot interval or an intermediate turnaround shall be provided as required;**
2. **Prior to Preliminary Plat approval by the City Council, construction plans for Jolly Lane shall be submitted for review and approval. In particular, the construction plans shall show the street with a minimum 27 foot wide paved surface. In addition, the cul-de-sac bulb shall be constructed with a minimum 96 foot wide paved surface. The construction plans shall also show a sidewalk along Jolly Lane or a Variance to the Subdivision Regulations shall be obtained;**
3. **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 if necessary;**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**

Approved the Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations:

1. **Prior to City Council approval, the applicant shall sign a waiver of**

DRAFT

- right to protest any future assessments for the improvements; and,
2. **A sidewalk shall be provided along the east side of Jolly Lane as it abuts the property. (7 to 0 to 1 with Brewer, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no and Brown abstaining)**

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 21 thru 26 be taken concurrently.

21. 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 at the proposed LaCrosse Street north of Seger Drive.
22. 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.
23. 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 SE¼ of the SW¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

24. No. 08CA002 - Prairie Meadows Subdivision

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

25. 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.

26. No. 08RZ003 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth

course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd.

Fisher presented the staff's recommendation to approve the Comprehensive Plan Amendments, Rezoning and Layout Plat requests. Fisher further identified the propose realignment of LaCrosse Street through the subject property.

Collins expressed her support for the development requests.

Derby expressed his support for the development requests.

Nels Johnson, area resident expressed concern for the proposed road connection at West Nike Road. Discussion followed.

Collins moved, Derby seconded and unanimously carried to approve the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street;

Approve the Layout Plat with the following stipulations:

- 1. Prior to submittal of a Preliminary Plat application, a Comprehensive Plan Amendment to the Major Street Plan relocating LaCrosse Street as proposed shall be approved or the plat document shall be revised accordingly;**
- 2. Upon submittal of a Preliminary Plat, a Traffic Impact Study shall be submitted for review and approval to determine the impact the development will have on existing and proposed streets within the area. In addition, the Traffic Impact Study shall identify any required street improvements needed to accommodate the traffic;**
- 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
- 4. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater**

- Quality Manual shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as needed;
 7. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of the Conditional Letter of Map Revision approved by the Federal Emergency Management Agency and the 404 Wetland Permit. In addition, a Floodplain Development Permit shall be obtained as needed prior to the start of any construction within the federally designated 100 year floodplain area;
 8. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
 9. Upon submittal of a Preliminary Plat application, 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 addition, construction plans for the lift station shall be submitted for review and approval if needed to serve the eastern portion of the development. The plat document shall also be revised to provide utility easements as needed;
 10. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
 11. Upon submittal of a Preliminary Plat application, road construction plans for LaCrosse Street shall be submitted for review and approval. In particular, the road construction plans shall show LaCrosse Street located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of a Preliminary Plat application, road construction plans for Country Road shall be submitted for review and approval. In particular, the road construction plans shall show Country Road located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional 17 feet of right-of-way;
 13. Upon submittal of a Preliminary Plat application, road construction

plans for W. Nike Road and 143rd Avenue shall be submitted for review and approval. In particular, the road construction plans shall show W. Nike Road and 143rd Avenue located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional 5 feet of right-of-way for each street;

14. Upon submittal of a Preliminary Plat, road construction plans for Bengal Drive, Prairie Sage Street, Owen Way, Rabbit Drive, Elise Avenue, Lydia Street, Lady Beetle Avenue and that portion of Ross Allen Drive located west of LaCrosse Street shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street, Rabbit Drive, with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
15. Upon submittal of a Preliminary Plat, road construction plans for Pronghorn Drive, Ox Eye Court, Gopher Court, Hawk Drive, Bumble Bee Lane and that portion of Rossco Drive located east of LaCrosse Street shall be submitted for review and approval showing the street(s) located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street(s) with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
16. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow Rabbit Drive as a 1,200 foot long cul-de-sac street with no intermediate turnaround at a 600 foot interval or the plat document shall be revised accordingly;
17. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow more than 20 dwelling units along Rabbit Drive, a cul-de-sac street, or the plat document shall be revised accordingly;
18. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
19. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and

- approval;
20. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual;
 21. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the greenway/detention area labeled with a numeric lot and block annotation. In addition, the applicant shall identify the proposed ownership and documentation of responsibility for maintenance of this area. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval to accept this responsibility prior to Preliminary Plat approval by the City Council;
 22. Prior to submittal of a Preliminary Plat application, the proposed street names shall be reviewed and approved by the Emergency Services Communication Center. In addition, the plat document shall be revised to show any corrections needed;
 23. 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,
 24. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;

Approve 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;

Approve 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;

Approve the Rezoning from Low Density Residential District to Medium Density Residential District; and,

Approve the Rezoning from Low Density Residential District to Medium Density Residential District. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

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

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

the north line of said Maple Avenue right-of-way, N89°55'48"W, a distance of 228.84 feet more or less, to the point of beginning, more generally described as being located at 2310 North Maple Avenue.

Fisher presented the staff's recommendation that the Conditional Use Permit request be continued to the April 24, 2008 Planning Commission meeting.

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

Brown moved, Collins seconded and carried to continue Conditional Use Permit to allow an on-sale liquor establishment to the April 24, 2008 Planning Commission meeting to allow the applicant time to submit additional information. (7 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, LeMay and Rolinger voting yes and none voting no and Waltman abstaining)

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

*28. No. 08PD009 - SSJE Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 Kermit Lane.

Fisher presented the staff's recommendation that the Planned Commercial Development request be approved with stipulations. Discussion followed.

Collins moved, LeMay seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall submit a site plan for review and approval identifying additional landscaping along Kermit Street, sidewalk along Kermit Street, an area for truck deliveries and a truck turnaround area;**
- 2. Prior to issuance of a building permit, revised elevations shall be submitted for review and approval showing a painted banding along the exterior of the building;**
- 3. Prior to Planning Commission approval, the applicant shall submit for review and approval a revised drainage plan;**
- 4. Prior to Planning Commission approval, the applicant shall revise the site plan to identify loading areas that meet the standards of Section 17.50.290 of the Rapid City Municipal Code;**
- 5. Prior to Planning Commission approval the applicant shall submit for**

DRAFT

- review and approval an access easement for the proposed truck turnarounds;
6. Prior to Planning Commission approval a sign package shall be submitted for review and approval. Upon approval of the proposed sign package, any changes to the approved sign package which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 7. Land uses are limited warehousing use. Any change in land use will require a Major Amendment to a Planned Commercial Development;
 8. Prior to the issuance of a building permit, the applicant shall obtain an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual;
 9. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, all provisions of the Building Code shall be continually met;
 10. The provisions of the landscape ordinance shall be continually met; in addition, all landscaping shall be maintained in a live vegetative state;
 11. All applicable provisions of the Fire Code shall be continually met;
 12. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

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

Fisher requested that items 29 and 30 be taken concurrently.

29. No. 08PL026 - Elysian Heights Subdivision
A request by Fisk Land Surveying & Consulting Engineers for Harley Taylor to consider an application for a **Preliminary Plat** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the

plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25 13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview

Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance of 130.02 feet more or less, to the point of beginning, more generally described as being located southern terminus of Carriage Hills.

30. No. 08SV012 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Harley Taylor to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said

point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25 13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of

Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance of 130.02 feet more or less, to the point of beginning, more generally described as being located southern terminus of Carriage Hills.

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

In response to Brewer's question, Fisher stated that right-of-way be dedicated and meets City Street Design Standards. Discussion followed.

Waltman moved, Collins seconded and unanimously carried to approve the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, an Exception to allow 64 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained or the plat document shall be revised accordingly;**
- 2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 40 foot wide and a 33 foot wide shared approach, respectively, in lieu of a maximum 24 foot wide shared approach as per the Street Design Criteria Manual or the plat document shall be revised to show a maximum 24 foot wide shared approach;**

3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 4. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall 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 as required; and,**
- Approve the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive; and, Approved the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)**

31. 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.

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

LeMay moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the relocation of an electric transmission line within the public right-of-way with the following stipulation:

1. **Prior to Planning Commission approval the applicant shall record the proposed utility easements with the Register of Deeds office and submit recorded copies to the Growth Management Department. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)**

32. No. 08SR005 - Rapid City Greenway Tract

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

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

In response to Brewer's question, Ball identified the location of the proposed bike park.

Jerry Cole, Director of Parks and Recreation Department, reviewed the various proposed uses for the bike park. Cole expressed his opinion for the positive impact to Rapid City. Discussion followed.

In response to Derby's question, Cole reviewed the liability rules for the City of Rapid City with regard to the "immunity act" passed by the State of South Dakota.

In response to Collins question, Cole stated that the park is open to all public trail uses not just bike traffic.

Rolinger expressed his support for the proposed use on the subject property. Discussion followed.

Brown moved, Rolinger seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a bike park on public land with the following stipulation:

- 1. Prior to Planning Commission approval the applicant must submit a revised site plan that includes parking. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)**

Fisher requested that items 33 and 34 be taken concurrently.

33. No. 08SR014 - Sections 30, 31 and 32, T2N, R8E

A request by Kadrmas, Lee and Jackson for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to authorize the acquisition of right-of-way** on a parcel of land described as beginning at the southwest corner of Lot B of Lot 5R of Meridian Subdivision in the SE1/4 of Section 30; thence southerly along the west line of Lot A of Lot 5R of said Meridian Subdivision on a bearing of S02 01'03"W, a distance of 155.8 feet to the Point of Beginning, thence easterly on a bearing of S87 52'15"E, a distance of 1451.9 feet along the centerline of existing East Anamosa Street; thence southeasterly through a portion of Tract A in the NE1/4 NE1/4 of Section 31 along a curve having a radius of 800 feet, a distance of 388.0 feet to the end of said curve; thence southeasterly through a portion of said Tract A on a bearing of S60 04'43"E, a distance of 93.0 feet to DM&E Railroad Right of Way, thence continuing southeasterly through said DM&E Railroad Right of Way on a bearing of S60 04'43"E, a distance of 171.4 feet to the west line of Lot 2 of Meadowlark Hills Subdivision in the NE1/4 of Section 31; thence continuing southeasterly through said Lot 2 on a bearing of S60 04'43"E, a distance of 608.1 feet to the west line of Lot A of West Century Subdivision in the NW1/4 NW1/4 of Section 32; thence continuing southeasterly through said Lot A on a bearing of S60 04'43"E, a distance of 430.3 feet to the beginning of a curve; thence southeasterly through said Lot A on a curve having a radius of 1000 feet; a distance of 397.3 feet to the west line of existing Century Road Right of Way; thence continuing along said

curve through said Century Road Right of Way, a distance of 99.3 feet to the west line of Tract 1 and Lot H1 of Century 21 Subdivision in the NW¼ of Section 32; thence continuing southeasterly through a portion of said Tract 1 and Lot H1 along said curve a distance of 0.4 feet to the end of said curve; thence southeasterly through a portion of said Tract 1 and Lot H1 on a bearing of S31 36'09"E for a distance of 661.9 feet to the beginning of a curve; thence southeasterly through said Lot H1 on a radius of 1490.5 feet, a distance of 292.82 feet to the end of said curve; thence southeasterly through said Lot H1 on a bearing of S42 51'04"E, a distance of 228.4 feet to the west Right of Way line of East-North Street and also being the end of project, all located in T2N, R8E of the BHM, Rapid City, Pennington County, State of South Dakota, more generally described as being located E. Anamosa Street right-of-way from LaCrosse Street to East North Street.

34. No. 08SR026 - Sections 30, 31 and 32, T2N, R8E

A request by Kadrmas, Lee and Jackson for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to construct a public street** on a parcel of land described as beginning at the southwest corner of Lot B of Lot 5R of Meridian Subdivision in the SE1/4 of Section 30; thence southerly along the west line of Lot A of Lot 5R of said Meridian Subdivision on a bearing of S02 01'03"W, a distance of 155.8 feet to the Point of Beginning, thence easterly on a bearing of S87 52'15"E, a distance of 1451.9 feet along the centerline of existing East Anamosa Street; thence southeasterly through a portion of Tract A in the NE¼ NE¼ of Section 31 along a curve having a radius of 800 feet, a distance of 388.0 feet to the end of said curve; thence southeasterly through a portion of said Tract A on a bearing of S60 04'43"E, a distance of 93.0 feet to DM&E Railroad Right of Way, thence continuing southeasterly through said DM&E Railroad Right of Way on a bearing of S60 04'43"E, a distance of 171.4 feet to the west line of Lot 2 of Meadowlark Hills Subdivision in the NE¼ of Section 31; thence continuing southeasterly through said Lot 2 on a bearing of S60 04'43"E, a distance of 608.1 feet to the west line of Lot A of West Century Subdivision in the NW¼ NW¼ of Section 32; thence continuing southeasterly through said Lot A on a bearing of S60 04'43"E, a distance of 430.3 feet to the beginning of a curve; thence southeasterly through said Lot A on a curve having a radius of 1000 feet; a distance of 397.3 feet to the west line of existing Century Road Right of Way; thence continuing along said curve through said Century Road Right of Way, a distance of 99.3 feet to the west line of Tract 1 and Lot H1 of Century 21 Subdivision in the NW¼ of Section 32; thence continuing southeasterly through a portion of said Tract 1 and Lot H1 along said curve a distance of 0.4 feet to the end of said curve; thence southeasterly through a portion of said Tract 1 and Lot H1 on a bearing of S31 36'09"E for a distance of 661.9 feet to the beginning of a curve; thence southeasterly through said Lot H1 on a radius of 1490.5 feet, a distance of 292.82 feet to the end of said curve; thence southeasterly through said Lot H1 on a bearing of S42 51'04"E, a distance of 228.4 feet to the west Right of Way line of East-North Street and also being the end of project, all located in T2N, R8E, BHM, Rapid City, Pennington County, State of South Dakota, more generally described as being located East Anamosa Street right-of-way from LaCrosse Street to East North Street.

Fisher presented the staff's recommendation to approve the SDCL 11-6-19

Review requests.

Rolinger moved, Collins seconded and unanimously carried to approve the SDCL 11-6-19 Review to authorize the acquisition of right-of-way; and, Approve the SDCL 11-6-19 Review to construct improvements on a public street with the following stipulation:

- 1. Prior to Planning Commission approval, an Exception shall be obtained to allow curb side sidewalks in lieu of property line sidewalks along the western 1,300 feet of E. Anamosa Street. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)**

Ball requested that items 35 thru 41 be taken concurrently.

35. No. 08SR015 - Section 18, T1N, R8E
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lots 38 and 39 of Block 11, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Centennial Parkway - 3820 Odde Drive.
36. No. 08SR016 - Sections 5, T1N, R8E
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lot 4 of Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1615 Sedivy Lane.
37. No. 08SR017 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 300 E. Omaha Street.
38. No. 08SR018 – Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.
39. No. 08SR019 - North Rapid Subdivision
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lots 23 thru 32 of Block 14, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 Van Buren Street.

40. No. 08SR020 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

41. No. 08SR021 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 18B of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 210 Founders Park.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review requests to the April 24, 2008 Planning Commission meeting.

Rolinger moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review requests to allow the construction of a sign on public property to the April 24, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

42. No. 08SR023 - Memorial Park

A request by Jim Bethel with Black Hills Area Council, Boy Scouts to consider an application for an **11-6-19 SDCL Review to allow temporary structures on public property** on Tract 19 less Lot H1, also in Section 35, T2N, R7E, Rapid City Greenway Tract, Section 36, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 215 Mount Rushmore Road.

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

Rolinger moved, Waltman seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow temporary structures on public property with the following stipulation:

1. **Prior to Planning Commission approval a Flood Plain Development Permit must be obtained. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)**

43. No. 08SR024 - Memorial Park

A request by Phil Olsen for Humane Society of the Black Hills to consider an application for an **11-6-19 SDCL Review to allow temporary structures on public property** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 N. 5th Street.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to April 24, 2008 Planning Commission meeting.

Rolinger moved, Brown seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow temporary structures on public property to the April 24, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

Bulman requested that items 44 and 45 be taken concurrently.

44. No. 08TI004 - Section 3, T1N, R8E

A request by Sperlich Consulting for Ronald Shape w/ Innovative Creations LLC to consider an application for a **Creation of Tax Increment District** on SE1/4 NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street.

45. No. 08TI005 - Section 3, T1N, R8E

A request by Sperlich Consulting for Ronald Shape w/ Innovative Creations LLC to consider an application for a **Project Plan for Tax Increment District - Homestead** on SE1/4 NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Resolution creating the Tax Increment Finance and the Project Plan.

Gregg moved, Rolinger seconded and carried to approve the Resolution Creating Homestead Tax Increment District and the Homestead Tax Increment District Project Plan. (7 to 1 with Brewer, Brown, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and Collins voting no)

*46. No. 08UR001 - Section 23, T1N, R7E

A request by Black Hills Coffee Company to consider an application for a **Conditional Use Permit to allow on-sale liquor establishment in the General Commercial Zoning District** on Lot E, Suite G of SW1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5955 South Highway 16, Suite G.

Ball presented the staff's recommendation to approve the Conditional Use Permit request with stipulations.

Rolinger moved, Brown seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in the

General Commercial Zoning District with the following stipulations:

1. A minimum of 46 parking spaces shall be provided with two of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible;
2. A minimum of 49,622 landscape points shall be provided. In addition, a minimum of one planter island shall be provided within the parking lot. The planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscape plan shall require a Major Amendment to the Planned Commercial Development;
3. All applicable provisions of the International Fire Codes shall be continually met;
4. The on-sale alcohol use will be limited to Suite G and a 380 square foot portion of the adjacent outside patio until 10:00 P.M. with the exception of special events which will end no later than 12 midnight. No video lottery will be associated with this use. Other permitted general commercial uses are allowed in the balance of the property; and,
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
7. Prior to Planning Commission approval, the applicant shall submit elevations for the proposed fence showing the size of the fence and the material to be used in the construction of the fence. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

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

47. No. 08VE003 - Stoney Creek Subdivision

A request by Boschee Engineering for JCP Land Co. to consider an application for a **Vacation of a portion of a Non-Access Easement** on Lot 4 of Block 7 of Stoney Creek Subdivision, located in the NW 1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Bendt Drive and Yale Court.

Ball presented the staff's recommendation to continue the Vacation of a Non-Access Easement request to the April 24, 2008 Planning Commission meeting.

Rolinger moved, Collins seconded and unanimously carried to continue the Vacation of a portion of a Non-Access Easement to the April 24, 2008 PC meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

48. 08TP012 – Amendment No. 08-007 to the 2008-2012 Transportation Improvement Program

Heller presented the staff's recommendation to approve the Transportation Improvement Program request.

In response to Brewer's question, Heller outlined the process for approval regarding Transportation funds. Discussion followed.

Collins moved, Waltman seconded and unanimously carried to approve the 2008-2012 Transportation Improvement Program Amendment No. 08-007. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

49. Discussion Items

A. Sight Distance Triangle.

Heller presented the current Ordinance regarding the sight distance triangle in relation to on street curb side parking at stop controlled intersections in the downtown area. Heller requested that the Planning Commission direct staff to Amend the Ordinance or modify Figure 1 of the Ordinance. Lengthy discussion followed.

Rolinger moved, LeMay seconded to Direct staff to correct inconsistency between Section 17.50.335 of the Rapid City Municipal Code and the ASHTO Policy on Geometric Design of Highway and Streets. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)

50. Staff Items

51. Planning Commission Items

A. LeMay requested that the project costs for items 44 and 45 be identified.

In response to LeMay's question, Bulman identified the project costs, the engineering and design fees, and the necessary and convenient costs that would typically be used for unforeseen cost increases in the Homestead Tax Increment District.

52. Committee Reports

A. City Council Report (March 17, 2008)

DRAFT

The City Council concurred with the recommendations of the Planning Commission.

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

There being no further business, Derby moved, Brown seconded and unanimously carried to adjourn the meeting at 8:27 a.m. (8 to 0 with Brewer, Brown, Collins, Derby, Gregg, LeMay, Rolinger and Waltman voting yes and none voting no)