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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION

April 24, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Barb Collins, Mike Derby, Julie Gregg and Andrew Scull.

STAFF PRESENT: Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jared Ball, Ted Johnson, Karley Halsted, Bill Knight, Kevin Lewis 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.**

**Motion by Brown, Seconded by Collins and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 41 in accordance with the staff recommendations. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the April 10, 2008 Planning Commission Meeting Minutes.
2. No. 07PL134 - Hyland Crossing Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.  
  
**Planning Commission continued the Preliminary Plat to the May 22, 2008 Planning Commission meeting.**
3. No. 07SV057 - Hyland Crossing Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E,

**DRAFT**

BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the May 22, 2008 Planning Commission meeting.**

\*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 May 8, 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 described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

**Planning Commission continued the Vacation of Right-of-way to the May 8, 2008 Planning Commission meeting.**

6. No. 08AN004 - Prairie Hills Subdivision

A request by Tony Berendse to consider an application for a **Petition for Annexation** on Lot 1A of Lot 1 (Revised) of Prairie Hills Subdivision and the 50 foot Section line right-of-way known as Maple Avenue located west and adjacent to Lot 1A of Lot 1 (Revised) of Prairie Hills Subdivision, all in Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 300 East Mall Drive.

**Planning Commission approved the Petition for Annexation contingent on**

**DRAFT**

**any payment due to the North Elk Fire Protection District being made by the City of Rapid City.**

7. No. 08AN005 - Sections 15 and 22

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the NW1/4 SW1/4, W1/2 W1/2 NE1/4 SW1/4, S1/2 SW1/4, E1/2 SE1/4 NE1/4 south of S.D. Highway 44, E1/2 E1/2 SE1/4, Section 15, N1/2 N1/2, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of East S.D. Highway 44.

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

8. No. 08CA005 - Section 22, T1N, R7E

A request by Boschee Engineering for Stoney Creek Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development** on a parcel of land located within the unplatted portion of the NW¼ SW¼ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the northwest lot corner of Lot 3, Block 3 of Stoney Creek South Subdivision; said point is also lying on the easterly right-of-way line of Bendt Drive; Thence northerly along said easterly right-of way line the following two courses: Thence N01°34'53"E, 40.08 feet to a point of curvature; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 40°47'10", an arc length of 123.86 feet to a point on said curve; said point also being the southwest lot corner of Tract BD of Stoney Creek South Subdivision; Thence S70°48'41"E, along the southerly lot line of said Tract BD, a distance of 124.47 feet; Thence departing said southerly lot line S19°11'19"W, 116.69 feet to the northeast lot corner of said Lot 3, Block 3; thence S89°21'43"W, along the north lot line of said Lot 3, Block 3, a distance of 125.70 feet to the Point of Beginning, containing 0.426 acres more or less, more generally described as being located south of Catron Boulevard between Bendt Drive and Nugget Gulch Road.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development to the May 8, 2008 Planning Commission meeting.**

9. No. 08RZ006 - Section 22, T1N, R7E

A request by Boschee Engineering for Stoney Creek Development to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on a parcel of land located within the unplatted portion of the NW¼ SW¼ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the

**DRAFT**

northwest lot corner of Lot 3, Block 3 of Stoney Creek South Subdivision; said point is also lying on the easterly right-of-way line of Bendt Drive; Thence northerly along said easterly right-of way line the following two courses: Thence N01°34'53"E, 40.08 feet to a point of curvature; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 40°47'10", an arc length of 123.86 feet to a point on said curve; said point also being the southwest lot corner of Tract BD of Stoney Creek South Subdivision; Thence S70°48'41"E, along the southerly lot line of said Tract BD, a distance of 124.47 feet; Thence departing said southerly lot line S19°11'19"W, 116.69 feet to the northeast lot corner of said Lot 3, Block 3; thence S89°21'43"W, along the north lot line of said Lot 3, Block 3, a distance of 125.70 feet to the Point of Beginning, containing 0.426 acres more or less, more generally described as being located south of Catron Boulevard between Bendt Drive and Nugget Gulch Road.

**Planning Commission continued the Rezoning from Low Density Residential District to Office Commercial District to the May 8, 2008 Planning Commission to be heard in conjunction with the associated Amendment to the Adopted Comprehensive Plan.**

10. No. 08CA009 - Big Sky Business Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the E½ of the SW¼ of the NW¼, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, more generally described as being located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development to the May 8, 2008 Planning Commission Meeting to allow the applicant to submit additional information.**

11. No. 08RZ007 - Big Sky Business Park

**DRAFT**

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the E½ of the SW¼ of the NW¼, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, more generally described as being located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

**Planning Commission continued the Rezoning from Office Commercial District to General Commercial District to the May 8, 2008 Planning Commission Meeting to allow the Applicant to submit additional information.**

12. No. 08CA010 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F & N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 114.68 feet; Thence, third course: S00°07'35"W, a distance of 571.08 feet; Thence, fourth course: N85°25'19"W, a distance of 207.67 feet, to a point on the westerly boundary of said Tract A; Thence, fourth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Street.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public to the May 8, 2008 Planning Commission Meeting to allow the Applicant to submit additional information.**

13. No. 08CA011 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use**

**DRAFT**

**designation from Office Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning; Thence, first course: N85°25'19"W, a distance of 207.00 feet; Thence, second course: N00°07'35"E, a distance of 571.08 feet; Thence, third course: S20°15'16"E, a distance of 592.63 feet; Thence, fourth course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of said Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Amendment to the Comprehensive Plan to change the future land use designation from Office Commercial to Public to the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 08CA012 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on A portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, Thence, first course: N13°51'21"W, a distance of 205.16 feet, to a point on the westerly boundary of Tract A of F & N Subdivision; Thence, second course: S85°25'19"E, a distance of 207.67 feet; Thence, third course: S27°32'45"W, a distance of 198.25 feet, to a point on the northerly boundary of said Lot 1; Thence, fourth course: S84°06'34"W, along the northerly boundary of said Lot 1, a distance of 66.55 feet, to the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

15. No. 08CA013 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for n **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a

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corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwest corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Office Commercial with a Planned Commercial Development to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

16. No. 08CA014 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, Thence, first course: S89°55'24"W, a distance of 30.00 feet; Thence, second course: N00°04'43"E, a distance of 8.38 feet; Thence, third course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, fourth course: N20°15'16"W, a distance of 5.25 feet; Thence, fifth course: N69°44'43"E, a distance of 50.69 feet; Thence sixth course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, seventh course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, eighth course: S00°06'38"W, along the section 1/16th line, a distance of 155.91 feet, to a point on the northerly boundary of Block 1 of Neff's Subdivision No. 2; Thence, ninth course: N89°52'44"W, along the northerly boundary of said Block 1 of Neff's Subdivision No. 2, a distance of 235.17 feet, to the northwesterly corner of said Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office**



**Commercial with a Planned Commercial Development to Low Density Residential to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

17. No. 08RZ008 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 707.30 feet; Thence, third course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of Block 2 of Neff's Subdivision No. 2; Thence, fourth course: N85°25'19"W, a distance of 414.67 feet, to a point on the westerly boundary of said Tract A; Thence, fifth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Rezoning from General Agriculture District to Public District to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

18. No. 08RZ009 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, Thence, first course: S00°14'20"W, along the westerly boundary of said Block 2, a distance of 128.02 feet, to the northeasterly corner of Block 1 of Neff Subdivision V; Thence, second course: S84°01'28"W, along the northerly boundary of said Block 1, a distance of 365.67 feet, to the northwesterly corner of said Block 1; Thence, third course: N13°51'21"W, a distance of 205.16 feet, to a corner on the westerly boundary of Tract A of F & N Subdivision; Thence, fourth course: S85°25'19"E, a distance of 414.67 feet, to the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Rezoning from Low Density Residential District to Public District to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

19. No. 08RZ010 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a



**DRAFT**

**Rezoning from Low Density Residential District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwestly corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

**Planning Commission continued the Rezoning from Low Density Residential District to Office Commercial District to the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information.**

20. No. 08RZ011 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract A of F & N Subdivision, thence S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet, to the point of beginning; Thence, first course: S89°47'42"E, along the northerly boundary of said Tract A, a distance of 701.98 feet, to section 1/16th corner; Thence, second course: S00°06'38"W, along the section 1/16th line, a distance of 537.65 feet; Thence, third course: N89°51'50"W, a distance of 98.10 feet; Thence, fourth course: curving to the left, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of S79°56'27"W, and chord distance of 141.60 feet; Thence, fifth course: S69°44'43"W, a distance of 50.69 feet; Thence, sixth course: S20°15'16"E, a distance of 5.25 feet; Thence, seventh course: curving to the right, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of S10°05'17"E, and chord distance of 101.67 feet; Thence, eighth course: S00°04'43"W, a distance of 8.38 feet, to a point on the southern boundary of said Tract A; Thence, ninth course: S89°55'23"W, along the southerly boundary of said Tract A, a distance of 29.49 feet, to the northeasterly corner of Block 2 of Neff's Subdivision No. 2; Thence, tenth course: N89°50'11"W, along the southerly boundary of said Tract A, common to the

**DRAFT**

northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly corner of said Tract A, common to the northwesterly corner of said Block 2; Thence, eleventh course: N00°09'08"E, a distance of 31.62 feet; Thence, twelfth course: N20°15'16"W, a distance of 707.30 feet, to a point on the northerly boundary of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Rezoning from General Agriculture District to Office Commercial District to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

21. No. 08RZ012 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S00°07'40"W, a distance of 25.77 feet, to the northwesterly corner of Block 12 of Big Sky Subdivision; Thence, second course: S00°07'40"W, along the westerly boundary of said Block 12, a distance of 144.58 feet; Thence, third course: S71°37'02"W, along the westerly boundary of said Block 12, common to the easterly boundary of said Tract A, a distance of 14.49 feet; Thence, fourth course: S40°22'12"E, along the westerly boundary of said Block 12, a distance of 920.50 feet; Thence, fifth course: S18°55'40"E, along the westerly boundary of said Block 12, a distance of 55.05 feet; Thence, sixth course: S22°39'24"E, along the westerly boundary of said Block 12, a distance of 54.51 feet; Thence, seventh course: S05°44'23"E, along the westerly boundary of said Block 12, a distance of 47.63 feet; Thence, eighth course: N89°57'36"E, along the westerly boundary of said Block 12, a distance of 92.82 feet, to the northwesterly corner of Lot 1 of Block 10 of Big Sky Subdivision; Thence, ninth course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 10, a distance of 115.16 feet, to the southwesterly corner of said Lot 1 of Block 10; Thence, tenth course: S00°00'05"W, a distance of 52.00 feet, to the northwesterly corner Lot 1 of Block 9 of Big Sky Subdivision; Thence, eleventh course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 9, a distance of 134.71 feet, to a point on the southwesterly corner of said Lot 1 of Block 9; Thence, twelfth course: N89°47'43"W, along the northerly boundary of Lot 31 of Degeest Subdivision, a distance of 252.04 feet, to the northwesterly corner of said Lot 31 of Degeest Subdivision; Thence, thirteenth course: N89°47'43"W, a distance of 63.00 feet, to the northeasterly boundary of Block 1 of Mack Subdivision; Thence, fourteenth course: N89°47'43"W, along the northerly boundary of said Block 1 of Mack Subdivision, a distance of 399.97 feet, to the northwesterly corner of said Block 1 of Mack Subdivision; Thence, fifteenth course: N00°12'35"E, a distance of 631.94 feet, to the northeasterly corner Block 1 of Neff's Subdivision No. 2; Thence, sixteenth course: N89°52'44"W, along the northerly boundary of said Block 1 said Neff's Subdivision No. 4, a distance of 468.56 feet, to the northwesterly corner of said Block 1 of Neff's Subdivision No. 2; Thence, seventeenth course: S89°55'24"W,

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a distance of 30.00 feet; Thence, eighteenth course: N00°04'43"E, a distance of 8.38 feet; Thence, nineteenth course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, twentieth course: N20°15'16"W, a distance of 5.25 feet; Thence, twenty-first course: N69°44'43"E, a distance of 50.69 feet; Thence twenty-second course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, twenty-third course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, twenty-fourth course: N00°06'38"E, along the section 1/16th line, a distance of 537.65 feet, to the section 1/16th corner, common to a point on the northerly boundary of said Tract A; Thence, twenty-fifth course: S89°48'43"E, along the northerly boundary of said Tract A, a distance of 226.22 feet, to the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

**Planning Commission continued the Rezoning from General Agriculture District to Low Density Residential District to the May 8, 2008 Planning Commission meeting to allow the Applicant to submit additional information.**

22. 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 May 8, 2008 Planning Commission meeting with the applicant's concurrence to allow outstanding issues to be addressed.**

23. 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

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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 May 8, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

24. No. 08PL036 - Auburn Hills Subdivision

A request by Joe Muth for Doeck, L.L.C. to consider an application for a **Layout Plat** on Lot 1 of Block 10 of Auburn Hills Subdivision, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

**Planning Commission continued the Layout Plat to the May 8, 2008 Planning Commission meeting.**

25. No. 08PL038 - Engesser Subdivision

A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 4 of Engessor Subdivison, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of South Dakota Highway 44 and Radar Hill Road.

**Planning Commission continued the Preliminary Plat to the May 8, 2008 Planning Commission meeting.**

26. No. 08SV016 - Engesser Subdivision

A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dun Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4 of Engessor Subdivison, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington

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County, South Dakota, legally described as the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of South Dakota Highway 44 and Radar Hill Road.

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dunn Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code to the May 8, 2008 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.**

27. No. 08PL039 - Quartz Canyon Subdivision

A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application for a **Preliminary Plat** on Lot A Revised of Block 1 of Quartz Canyon Subdivision, located in the SW1/4 of the NE1/4, and in the NE1/4, and in the SE1/4 of the NW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot A of Block 1 of Quartz Canyon Subdivision, and a portion of the SW1/4 of the NE1/4 of Section 7, T1S, R7E, BHM, located in the SW1/4 of the NE1/4, and in the NE1/4, and in the SE1/4 of the NW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Quartz Canyon Lane.

**Planning Commission approved the Preliminary Plat with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, construction plans showing sewer and water services to the proposed lot shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required;**
3. **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 if subdivision improvements are required;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements 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.**

28. No. 08SV017 - Quartz Canyon Subdivision

A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application

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for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer service lines as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A Revised of Block 1 of Quartz Canyon Subdivision, located in the SW1/4 of the NE1/4, and in the NE1/4, and in the SE1/4 of the NW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot A of Block 1 of Quartz Canyon Subdivision, and a portion of the SW1/4 of the NE1/4 of Section 7, T1S, R7E, BHM, located in the SW1/4 of the NE1/4, and in the NE1/4, and in the SE1/4 of the NW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Quartz Canyon Lane.

**Planning Commission approved the Variance to the Subdivision Regulations to waive the requirement to install water and sewer service lines as per Chapter 16.16 of the Rapid City Municipal Code.**

29. No. 08PL040 - South Creek Industrial Park

A request by Ferber Engineering Co. for Creek Drive Industrial Park, LLC to consider an application for a **Preliminary Plat** on Lot 1 of Block 3 of South Creek Industrial Park, located in the NE1/4 SW1/4 and SE1/4 SW1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SW1/4 and SE1/4 SW1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3120 Creek Drive.

**Planning Commission approved the Preliminary Plat with the following stipulations:**

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along Creek Drive or a Variance to the Subdivision Regulations shall be obtained; and,**
2. **A Floodplain Development Permit shall be obtained as needed prior to the start of any construction within the federally designated 100 year floodplain area.**

30. No. 08PL041 - Blu-Knu Subdivision

A request by D. C. Scott Surveyors, Inc. for Blu-Knu Enterprises, LLC to consider an application for a **Layout Plat** on Lots 2R and 3R of Blu-Knu Subdivision, located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Blu-Knu Subdivision and unplatted land in the SW1/4 SW1/4, Section 27, located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Lien Street and Deadwood Avenue.

**Planning Commission approved 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 the collector extending through the property shall be approved or the plat**

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- document shall be revised to show the street;**
- 2. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the elimination of two of the approaches to Lot 2 in order to meet access management requirements as per the South Dakota Department of Transportation. In addition, the plat document shall be revised to show a non-access easement along Deadwood Avenue except for the approved approach location(s);**
- 3. Upon submittal of a Preliminary Plat application, a parking plan showing the existing uses shall be submitted for review and approval to determine that sufficient parking is being provided on Lot 2;**
- 4. Upon submittal of a Preliminary Plat application, a landscaping plan and a sign package shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, construction plans for Deadwood Avenue shall be submitted for review and approval showing a sidewalk along both sides of the street and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, construction plans for Lien Street shall be submitted for review and approval showing a sidewalk along both sides of the street, street light conduit, sewer and 4 additional feet of pavement along the street or a Variance to the Subdivision Regulations shall be obtained. In addition, 5 additional feet of right-of-way shall be dedicated for that portion of the street currently located within a 90 foot wide right-of-way;**
- 7. Upon submittal of a Preliminary Plat application, a grading plan for all improved areas shall be submitted for review and approval;**
- 8. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;**
- 9. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the existing sewer mains and service lines to proposed Lot 2 and the extension of sanitary sewer mains and service lines to proposed Lot 3R shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. 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 existing water mains and service lines to proposed Lot 2 and the extension of water mains and service lines to proposed Lot 3R shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and commercial flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 11. Upon submittal of a Preliminary Plat application, written**

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documentation identifying that all of the affected utility companies concur with the proposed vacation of the existing 8 foot wide utility and minor drainage easement located along the rear lot lines shall be submitted for review and approval or the plat document shall be revised to show the easement;

12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  13. 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;
  14. 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,
  15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
31. No. 08PL045 - Copperfield Vistas Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 5 thru 4 of Block 2, Lots 6 thru 14 of Block 3, Lots 1 thru 4 of Block 14 of Copperfield Vistas Subdivision, located in portions of the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in, and formerly portions of, the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Concourse Drive and at the northern terminus' of summerfield Drive and Copperfield Drive.

**Planning Commission approved the Preliminary Plat with the following stipulations:**

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, the utility and drainage easements shown on the plat document shall be revised to coordinate with the construction plans as needed;
3. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval addressing the disposition of stormwater along the west lot line. In addition, the plat document shall be revised to show drainage easements as needed;
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. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
6. Upon submittal of a Final Plat application, surety for any required



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- subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

32. No. 08PL046 - C.D. Rounds Subdivision

A request by Davis Engineering, Inc. for Larry P. and Terry Silver Wetch to consider an application for a **Preliminary Plat** on Lots A and B of Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 3401 Sturgis Road.

**Planning Commission approved the Preliminary Plat with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for the proposed 20 foot wide private access easement shall be submitted for review and approval. In particular, the construction plans shall show the access easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for the alleys located along the south and west lot line of the property, respectively, shall be submitted for review and approval. In particular, the construction plans shall show the alleys constructed with a minimum 20 foot wide paved surface. In addition, the plat document shall be revised to show an additional 1.5 feet of right-of-way along the west lot line or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the previously dedicated 16 foot wide utility and drainage easement along the west and south lot lines of the property or the easement shall be vacated. If the applicant proposes to vacate the utility and drainage easement, then all of the affected utility companies shall concur with the vacation of the easement and the applicant shall demonstrate that the easement is no longer needed for drainage;**
4. **Prior to Preliminary Plat approval by the City Council, the proposed 20 foot wide access easement shall be revised to preclude the existing structure located on proposed Tract B of Tract C from encroaching into the easement;**
5. **Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required;**
6. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater**

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**Quality Manual shall be submitted for review and approval if subdivision improvements are required;**

7. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easement along Sturgis Road except for the approved approach location(s);**
9. **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,**
10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

33. No. 08SV022 - C.D. Rounds Subdivision

A request by Davis Engineering, Inc. for Larry P. and Terry Silver Wetch to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to provide additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 Sturgis Road.

**Planning Commission approved the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement and to reduce the width of the access easement from 59 feet to 20 feet with the following stipulation:**

1. **Prior to City Council approval, a note shall be placed on the plat document identifying Lot A of Tract C as a utility lot for a communication facility;**

**The Variance to the Subdivision Regulations to waive the requirement to install pavement along the adjacent alleys with the following stipulations:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**
2. **Prior to City Council approval, the plat document shall be revised to show the dedication of 1.5 additional feet of right-of-way along the west lot line.**

34. No. 08RD001 - Rockinon Ranch Estates

A request by Britton Engineering & Land Surveying, Inc. for Land and Marine Development, Inc. to consider an application for a **Resolution for a Road Name Change from Antler Ridge Road to Hendrix Lane** on Lots 1 thru 7, 22, 31 and 32 of Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Bunker Drive and south of Lennon Lane.

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**Planning Commission approved the street name Antler Ridge Road to Hendrix Lane with the stipulation that the developer replace any existing street name signs at their expense.**

35. No. 08RD002 - Rockinon Ranch Estates

A request by Britton Engineering & Land Surveying, Inc. for Land and Marine Development, Inc. to consider an application for a **Resolution for a Road Name Change from Butterfly Lane to Joplin Lane** on Lots 1 thru 7, 22, 31 and 32 of Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Bunker Drive and south of Lennon Lane.

**Planning Commission approved the street name Butterfly Lane to Joplin Lane with the stipulation that the developer replace any existing street name signs at their expense.**

36. No. 08RZ005 - Section 9, T1N, R7E

A request by Kristen Lowe for Traci Klatt to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on the east 150 feet of Lot 20 thru 21 of Block 1 of Lot 7, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4216 Canyon Lake Drive.

**Planning Commission approved the Rezoning from General Commercial District to Medium Density Residential District.**

37. No. 08SR013 - Section 8, T1N, R8E

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of accessory structures** on a portion of the SW1/4 SE1/4, less east 424.2 feet, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2200 E. Fairmont Blvd.

**Planning Commission approved the SDCL 11-6-19 Review to allow the construction of accessory utility structures.**

38. No. 08SR027 - Brookside Subdivision

A request by Thomas L. Allen to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract A of Brookside Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Mary Hall Park at 3220 West South Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a structure on public property to the May 8, 2008 Planning Commission meeting.**

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39. No. 08SR031 - Sections 4 and 9, T1N, R8E

A request by Ferber Engineering Co., Inc. for City of Rapid City to consider an application for an **SDCL 11-6-19 Review to extend public utilities** on East Highway 44 Right-of-way at the intersection of Twilight Drive, Lots 1 and 2, WREA Subdivision, the unplatted balance 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 E1/2 SE1/4, Elk Vale Road Right-of-way at the intersection of Lancer Drive, Lancer Drive right-of-way at the intersection of Elk Vale Road and Concourse Drive, Lot 3 of Block 5 of Rushmore Regional Industrial Park, Concourse Drive Right-of-way between Lancer Drive and Jet Drive, Lot 6 of Block 1 of Rushmore Regional Industrial Park, and the drainage right-of-way located in the SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of S. D. East Highway 44 and Twilight Drive and south of Homestead Street.

**Planning Commission approved the SDCL 11-6-19 Review to extend public utilities.**

40. No. 08SR032 - Original Town of Rapid City

A request by Summer Nights on 7th to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on the Seventh Street Right-of-way between St. Joseph Street and Main Street, Blocks 83 and 84 of Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on 7th Street between St. Joseph Street and Main Street.

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

41. No. 08SR033 - Section 35, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a lift station** on an portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sammis Trail and Vilrickson Place.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the May 22, 2008 Planning Commission meeting to allow the applicant to address outstanding issues.**

**---END OF CONSENT CALENDAR---**

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

\*42. No. 07PD102 - Kashmir Subdivision

A request by Michael Derby to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots B thru M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as

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being located at 2720 Chapel Lane.

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

Bulman presented staff's recommendation to continue the Planned Commercial Development request to the May 22, 2008 Planning Commission meeting.

**Brown moved, Collins seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the May 22, 2008 Planning Commission meeting at the applicant's request. (5 to 0 to 1 with Brewer, Brown, Collins, Gregg and Scull voting yes and none voting no and Derby abstaining)**

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

Fisher requested that items 43, 44 and 45 be taken concurrently.

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

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

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

A request by Whittingham & Lestrangle, LPI to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City**

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

\*45. No. 08PD007 - Tower Ridge Subdivision

A request by Douglas W. Hamilton for Whittingham and LeStrange, LPI to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being the southwesterly lot corner of Lot 1 of Block 1 of Aladdin Heights Subdivision, recorded at the Pennington County Register of Deeds Office in Plat Book 12 Page 158, which is marked by a 5/8" rebar with survey cap marked "LS 6117", said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 1 of Block 1 bearing S89°54'29"E and a distance of 157.84 feet to the southwesterly corner of Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16

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Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located east of U.S. Highway 16 and north of Promise Road.

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

Fisher presented staff's recommendation to continue the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial Development requests to the May 8, 2008 Planning Commission meeting.

**Collins moved, Brown seconded and carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code and the Planned Commercial Development - Initial Development Plan to the May 8, 2008 Planning Commission meeting. (4 to 0 to 2 with Brown, Collins, Derby and Gregg voting yes and none voting no and Brewer and Scull abstaining)**

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

\*46. 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

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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 to continue the Conditional Use Permit request to the May 8, 2008 Planning Commission meeting.

**Collins moved, Scull seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the May 8, 2008 Planning Commission meeting to allow the applicant time to submit additional information. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

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

47. No. 08AN007 - Section 4, 5 and 9, T1N, R8E and Section 32 and 33, T2N, R8E  
A request by City of Rapid City to consider an application for a **Resolution of Intent to Annex** on Tract B of Lot 2 of Lot A, Lot 1 and Lot 2 of Tract A, and Lot 3 all in Barnhart Addition; Tract E & Dedicated Private Drive of KOA Subdivision in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; Lot A of SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; Lot 1A of Lot 1 of Lot A of SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Tract 1, formerly Lot 1 of Lot B, a portion of the residual portion of Lot B, and portions of Lots 2 and 3 of Lot A including 25 feet private access agreement on residual portion of Lot C, all in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Lot D including Lot 1 of Lot D located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Tract B of SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; Unplatted Balance of W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  including Lot A of NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Government Lot 4; the 150 foot wide E. Highway 44 right-of-way lying south of Lot 1A of Lot 1 of Lot A of SW $\frac{1}{4}$  SW $\frac{1}{4}$ , all located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, The 150 foot wide E. Highway 44 right-of-way within Section 4 lying south of Lot 3, Lots 1 & 2 of Tract A, Tract B of Lot 2 of Lot A, all of Barnhart Addition, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, Tract A of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; Tract C of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and Parcel E of NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; and the 150 foot wide E. Highway 44 right-of-way lying south of Tract C of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and Parcel E of NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; all located in T1N, R8E, BHM, Pennington County, South Dakota; and, The part of Lot E of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  lying north of the highway right-of-way for access to Interstate Highway No. 90, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, All of Hillsideview Subdivision including Hillside Drive and Eagle Drive rights-of-way and Rockhill Road, an access easement; SE $\frac{1}{4}$  of GL 1 less N100 feet of SE $\frac{1}{4}$  of GL 1 including Lot A of Lutheran Subdivision; All of Marshall Subdivision including Homestead Street and Glenside Drive rights-of-way and Windhaven Drive, a private access easement; NE $\frac{1}{4}$  of Government Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ); Lot 5 and Lot 7 of E $\frac{1}{2}$  SE $\frac{1}{4}$ ; The 150 foot wide E. Highway 44 right-of-way, including Lots H-1, H-2, H-3, and H-4, all located in the E $\frac{1}{2}$  of Section 5, lying south of Lot 5 and Lot 15 Revised and Lot 17 and the west 100 feet of Lot 14, all



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of Hillsview Subdivision, and Lot 7 of E½ SE¼; all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and, The 66 foot wide Valley Drive right-of-way north of S. D. Highway 44 located in the western boundary of the W½ of Section 4 and the eastern boundary of the E½ of Section 5, all located in T1N, R8E, BHM, Pennington County, South Dakota; and, The 100 foot wide railroad right-of-way lying north of Lot D of SW¼ SW¼ not already located within the City of Rapid City, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, E½ SE¼ of Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and, SW¼ of Section 33, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north and south of S.D. Highway 44 and east and west of Valley Drive.

Bulman presented the staff's recommendation to approve the Intent to Annex request.

**Collins moved, Gregg seconded and unanimously carried to approve the Resolution of Intent to Annex. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

\*48. No. 08PD012 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 1 and 2 of WREA Subdivision, located in the NW¼ NE¼, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44 and 3454 Twilight Drive.

Fisher presented staff's recommendation to continue the Planned Light Industrial Development request to the May 8, 2008 Planning Commission meeting.

**Collins moved, Scull seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the May 8, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

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

Tegethoff requested that Items 49 and 50 be taken concurrently.

49. No. 08PL042 - Clemmons Addition

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Hewey Clemmons to consider an application for a **Layout Plat** on Lots A, B, C and D of Clemmons Addition, located in the S½ SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S ½ SW ¼, Section 14, T1N, R8E, BHM, Pennington County,

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South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, more generally described as being located south of the intersection of Apple Tree Road and S. D. East Highway 44.

50. No. 08SV019 - Clemmons Addition

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Hewey Clemmons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer and to allow asphalt millings in lieu of paving; and to reduce the pavement width from 24 feet to 20 feet as per Chapter 16 of the Rapid City Municipal Code** on Lots A, B, C and D of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S ½ SW ¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, more generally described as being located south of the intersection of Apple Tree Road and S. D. East Highway 44.

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

Hewey Clemmons, the applicant expressed his opposition to the requirement to install curb and gutter, to increase the access width and to surface the access with pavement. Clemmons identified the current surface of the existing access. Discussion followed.

In response to Brewer's question, Janelle Finck, the applicant's agent identified the requirements that the applicant would be required to provide. Finck stated that the applicant requests the Planning Commission to approve the Variance request to allow asphalt millings in lieu of pavement and to waive the requirement to install additional improvements to the existing access. Discussion followed.

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

In response to Scull's question, Tegethoff stated that there has been no drainage reports submitted. Discussion followed.

**Scull moved to approve the Preliminary Plat and the Variance to the Subdivision requests with the stipulation that drainage be addressed. The motion failed for the lack of a second.**

Fisher cautioned the Planning Commission that precedence could be set if a Variance request was granted without any supporting documentation justifying the Variance request. Fisher reviewed staff's recommendation.

Clemmons reiterated his opposition to the staff's recommendation to deny the Variance request to waive the requirement to install curb, gutter, and asphalt and to reduce the pavement width. Discussion followed.

In response to Derby's question, Tegethoff reviewed the improvement requirements through the platting process. Discussion followed.

**Derby moved, Brown seconded and carried to approve the Layout Plat with the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application the applicant shall identify improvements that will be installed at the crossing to protect the vehicles accessing the site across the railroad right-of-way;**
- 2. Upon submittal of a Preliminary Plat application, a drainage and grading plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of the Preliminary Plat, 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 or a Variance to the**

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**Subdivision Regulations shall be obtained;**

- 4 Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests, demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;**
- 5. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easements shall be submitted as identified or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 7. Upon submittal of a Final Plat application, surety for any subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;**
- 8. Prior to Final Plat approval, the property shall be rezoned to allow the proposed lot sizes or the lots shall be reconfigured to meet the minimum lot size requirements of the Limited Agricultural District;**
- 9. Prior to Final Plat approval a Conditional Use Permit shall be obtained for proposed Lot C from Pennington County to allow an accessory structure without a primary structure or the structure shall be removed; and,**
- 10. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.**

**To approve The Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water and sewer along the access easements as per Chapter 16 of the Rapid City Municipal Code; and,**

**To deny the Variance to the Subdivision Regulations to waive the requirement to install pavement; and to reduce the road surface width from 24 feet to 20 feet along the access easement from S.D. Highway 44 through the four new lots with the exception of the western 250 feet as per Chapter 16 of the Rapid City Municipal Code; and,**

**To deny the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter along the access easement as per Chapter 16 of the Rapid City Municipal Code. (4 to 1 to 1 with Brewer, Brown, Derby and Gregg voting yes and Scull voting no and Collins abstaining)**

Tegethoff requested that items 51 and 52 be taken concurrently.

51. No. 08PL043 - Fort Hayes Subdivision  
A request by Fisk Land Surveying & Consulting Engineers for Herman Jones to

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consider an application for a **Layout Plat** on Lot 1 Revised of Fort Hayes Subdivision and Lot 4 Revised of Lot 4, located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4, located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2255 and 2505 Fort Hayes Drive.

52. No. 08SV020 - Fort Hayes Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Herman Jones to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk street light conduit, water and sewer and dedicate additional Right-of-way as per Chapter 16 of the Rapid City Municipal Code** on Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4, located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2255 and 2505 Fort Hayes Drive.

Tegethoff presented the staff's recommendation to approve with the Layout Plat and approve in part and deny in part the Variance to the Subdivision Regulations requests with stipulations.

Finck, applicants' agent, requested that the Variance to the Subdivision Regulations request to dedicate additional right-of-way along the access easement be approved. Lengthy discussion followed.

**Brown moved, Collins seconded and unanimously carried to approve the Layout Plat with the following stipulations:**

1. **Upon submittal of a Preliminary Plat application, information on the location of the drain field, depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, data to confirm that the well(s) have sufficient domestic flows, water quality, and the location of the existing well(s) shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, plans for U.S. Highway 16 shall be submitted shall be submitted for review and approval showing U.S. Highway 16 constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a non-access easement shall be identified along the eastern lot line, as no access will be allowed onto U.S. Highway 16;**
4. **Prior to Preliminary Plat approval by the City Council, plans for Fort Hayes Drive shall be submitted for review and approval showing Fort Hayes Drive constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**

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5. **Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate an additional 6 feet of right-of-way and submit construction plans for the access easement for review and approval or obtain a Variance to the Subdivision Regulations or Vacate the access easement;**
6. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval**
7. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;**
8. **Prior to Final Plat approval, portions of the property shall be rezoned to allow the existing development. In addition, prior to Final Plat approval existing structures shall be removed or relocated to comply with Pennington County Zoning Ordinance and The City of Rapid City Municipal Code; and,**
9. **Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.**

**To approve the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along U.S. Highway 16 as per Chapter 16 of the Rapid City Municipal Code with the following stipulation:**

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

1. **right to protest any future assessment for the improvements;**

**To approve the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Fort Hayes Drive as per Chapter 16 of the Rapid City Municipal Code with the following stipulation:**

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

1. **right to protest any future assessment for the improvements;**

**To approve the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16 of the Rapid City Municipal Code; and,**

**To approve the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along the access easement as per Chapter 16 of the Rapid City Municipal Code. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

Fisher requested that items 53 and 54 be taken concurrently.

53. No. 08PL044 - U Lazy Two Ranch Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Robert Schmitz to consider an application for a **Layout Plat** on Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision and dedicated right-of-way located in, and formerly all of, that portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and; the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as that portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and;

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the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8970 Nemo Road.

54. No. 08SV021 - U Lazy Two Ranch Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Robert Schmitz to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement and to waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision and dedicated right-of-way located in, and formerly all of, that portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and; the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as that portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and; the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8970 Nemo Road.

Fisher presented staff's recommendation to approve the Layout Plat and that the Variance to the Subdivision requests in approved in part and denied in part with stipulations.

Finck requested that the Planning Commission approve the Variance to the Subdivision Regulations to waive the requirement to improve the 50 foot wide private access and utility easement with a minimum 20 foot wide paved surface with a stipulation of a preliminary plat that an alternate surface be submitted for review and an approval.

Finck reviewed the applicant's request to re-plat the subject property to consolidate parcels and which would reduce the density. Finck requested that the Planning Commission approve the gravel surface for the proposed new access. Discussion followed.

In response to Derby's question, Finck requested that the Planning Commission approve chip seal as an alternative surface in lieu of asphalt millings.

In response to Collins' questions, Finck stated that the current driveway is 15 feet wide. Discussion followed.

Brewer expressed his support for the chip seal application.

**Collins moved, Brown seconded and unanimously carried to approve the Layout Plat with the following stipulations:**

- 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the intersecting angle of the existing approach to proposed Lot 1 or the approach shall be redesigned to comply with**

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**Section 4.2.1 of the Street Design Criteria Manual;**

- 2. Upon submittal of a Preliminary Plat application, construction plans for the proposed 50 foot wide private access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 20 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 construction plans shall identify the construction of a permanent turnaround at the end of the street with a minimum 110 foot diameter easement and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 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 plat document shall be revised to show the dedication of 17 feet of additional right-of-way in lieu of 7 feet as proposed or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located between proposed Lots 1 and 2 shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highway shall be vacated;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;**
- 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. The plat document shall also be revised to provide utility**



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- easements as needed;
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 as proposed, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
  8. 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 if subdivision improvements are required or site grading is proposed;
  9. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
  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 submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
  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. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road except for the approved approach location(s);
  14. 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,
  15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

To approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and additional pavement along Nemo Road with the following stipulations:

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1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of 17 feet of right-of-way in lieu of 7 feet;

To approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement along the section line highways and to dedicate the section line highways as right-of-way with the following stipulation:

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

To approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water and sewer along the 50 foot wide private access and utility easement; and,

To approve the Variance to the Subdivision Regulations to waive the requirement to improve the 50 foot wide private access and utility easement with a minimum 20 foot wide paved surface with a stipulation that upon submittal of a preliminary plat application, an alternate surface material be identified to ensure that air quality standards are met. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)

Ball requested that items 55 thru 61 be taken concurrently.

55. 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.

56. 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.

57. 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 at 300 E. Omaha Street.

58. 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.

59. 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.

60. 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.

61. 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 May 8, 2008 Planning Commission meeting.

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

62. 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 deny the SDCL 11-6-19 Review request without prejudice at the applicant's request.

**Brown moved, Scull seconded and unanimously carried to deny the 11-6-19 SDCL Review to allow temporary structures on public property without prejudice at the applicant's request. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

63. No. 08SR028 - Wise's Addition

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A request by FourFront Design, Inc. for Youth and Family Services, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a parking lot on public property** on Lot A of Block 12 of Wise's Addition, located in the SE1/4 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 E. Monroe Street.

Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 review with stipulations. Discussion followed.

In response to Brewer's question, Tegethoff identified the location of parking and sidewalk on the subject property.

David Miller, Youth and Family Services, Inc., identified the location of the existing parking and sidewalks and the proposed location of parking and sidewalks. Miller requested that the Planning Commission approve the alternate location of the public sidewalk on the subject property. Lengthy discussion followed.

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

In response to Derby's question, Dominicak stated that one sidewalk would be designated as a public sidewalk and that the other one would be a private sidewalk. Discussion followed.

Collins expressed her concern with abandoning the public sidewalk. Discussion followed.

Brewer expressed concern with liability issues with regard to safety of children and other pedestrian traffic. Discussion followed.

**Collins moved to continue to the SDCL 11-6-19 Review to allow the construction of a parking lot on public property to the May 8, 2008 Planning Commission meeting. The Motion failed due to the lack of a second.**

Karen Gunderson-Olsen, Alderwoman expressed her support for public sidewalks for the pedestrian traffic.

Collins expressed her support for both public and private sidewalks on the subject property.

**Collins moved to continue the SDCL 11-6-19 Review to allow the construction of a parking lot on public property and to request staff to prepare a traffic study and resolve issues of transportation and safety on site. The motion died for the lack of a second.** Discussion followed.

**Gregg moved, Brown seconded and carried to approve the SDCL 11-6-19 Review to allow the construction of a parking lot on public property with**

the following stipulations:

1. **Prior to Planning Commission approval, the Vacation of Right-of-Way Request shall be approved; and,**
2. **Prior to Planning Commission approval, exceptions to the Rapid City Street Design Criteria Manual for driveway location, separation, and number of driveways shall be obtained or the plans must be revised to meet the requirements of the Rapid City Street Design Criteria Manual. (5 to 0 to 1 with Brewer, Brown, Collins, Derby and Gregg voting yes and none voting no and Scull abstaining)**

64. No. 08SR029 - Holy Cow Ranch Subdivision

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow construction of a communication facility** on Lot 10 of Holy Cow Ranch Subdivision, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23264 Radar Hill Road.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the May 22, 2008 Planning Commission meeting.

**Collins moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow construction of a communication facility to the May 22, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

65. No. 08SR030 - Sundance Ridge Subdivision

A request by Dean Hamm to consider an application for an **SDCL 11-6-19 Review to construct improvements in the Right-of-way** on Apache Peak Lane right-of-way adjacent to Lot 3 of Block 1 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3436 Apache Peak Lane.

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

**Collins moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct improvements in the Right-of-way with the following stipulation:**

1. **Prior to Planning Commission approval the applicant shall submit additional information demonstrating that the proposed culvert will handle storm water discharge, prevent erosion, and support local truck and maintenance vehicle traffic. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

\*66. No. 08UR002 – Section 34, T2N, R8E

A request by Robb Schlimgen for Kaz Campillo to consider an application for a **Conditional Use Permit to allow on-sale liquor** on Lot 2 of SE1/4 SW1/4, SE1/4 less Lot H-1, Section 34, T2N, R8E, BHM, Rapid City, Pennington County,

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South Dakota, more generally described as being located at 2328 West Main Street.

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

In response to Derby's question, Fisher reviewed the liquor license application process through City Councils review and approval process. Discussion followed.

**Scull moved, Brown seconded and unanimously carried to approve the Conditional Use Permit to allow on-sale liquor with the following stipulations:**

1. **A minimum of 1,800 landscape points shall be provided. 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;**
2. **All applicable provisions of the International Fire Codes shall be continually met;**
3. **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**
4. **The on-sale alcohol use will be limited to the 1,700 square foot restaurant located on the eastern side of the building in conjunction with a full scale restaurant. No video lottery will be associated with this use. Other permitted general commercial uses are allowed in the balance of the property.**
5. **A minimum of 27 parking spaces, seven stacking stalls and two ADA parking stalls shall be provided as per the variance. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

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

67. 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.

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Ball presented the staff's recommendation to approve the Vacation of Non-Access Easement request with one stipulation.

**Gregg moved, Collins seconded and unanimously carried to approve the Vacation of a portion of a Non-Access Easement with the following stipulation:**

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted that provides the location of structures on the property and a justification for the vacation. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

68. No. 08VE007 - Villaggio at Golden Eagle

A request by Lage Construction, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lots 1 and 2 of Block 1 of the Villaggio at Golden Eagle, located in the SE1/4 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5832 Villaggio Lane.

Fisher presented the staff's recommendation to approve the Vacation of Non-Access Easement request with stipulations.

**Collins moved, Scull seconded and unanimously carried to approve the Vacation of Non-Access Easement with the following stipulations:**

- 1. Prior to City Council approval, an Exception shall be obtained to allow two driveways to serve one residence in lieu of one driveway as per the Street Design Criteria Manual;**
- 2. Prior to City Council approval, an Exception shall be obtained to allow an approximate 45 foot wide driveway along Villaggio Lane in lieu of a maximum 20 foot wide driveway as per the Street Design Criteria Manual or the driveway shall be redesigned to comply with the requirement;**
- 3. Prior to City Council approval, an Exception shall be obtained to reduce the separation between the driveway along Montebello Court and the intersection of Montebello Court and Villaggio Lane from 50 feet to 35 feet or the driveway shall be relocated to comply with the requirement; and,**
- 4. Prior to City Council approval, a developmental lot agreement shall be signed. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

**Collins moved, Brown seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

69. Discussion Items

- A. Ex-parte Communications Policy – Joel Landeen.

Dominicak presented staff's recommendation to continue the Ex-parte

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Communications Policy to the May 8, 2008 Planning Commission meeting.

**Collins moved, Brown seconded and unanimously carried to continue the Ex-parte Communications Policy to the May 8, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

70. Staff Items

71. Planning Commission Items

72. Committee Reports

- A. City Council Report (April 7, 2008)  
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

**There being no further business, Derby moved, Brown seconded and unanimously carried to adjourn the meeting at 9:05 a.m. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no)**

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