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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 8, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Dennis Landguth, Steve Rolinger, Andrew Scull and Karen Waltman.

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

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

**Brewer reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Staff requested that Item 24 be removed from the Consent Agenda for separate consideration.**

**Waltman requested that Items 32 and 33 be removed from the Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Anderson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 35 in accordance with the staff recommendations with the exception of Items 24, 32 and 33. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the April 24, 2008 Planning Commission Meeting Minutes.
2. No. 05VR014 - Sletten Addition  
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.  
  
**Planning Commission continued the Vacation of Section Line Highway request to the May 22, 2008 Planning Commission meeting.**
3. No. 07CA062 - Sections 18 and 19, T2N, R8E  
A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Summary of Adoption Action on an Amendment**

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**to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street** on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on the proposed LaCrosse Street north of Seger Drive.

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

- \*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 22, 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 at the southeast of the intersection of Lancer Drive and Elk Vale Road.

**Planning Commission continued the Vacation of Right-of-way to the May 22, 2008 Planning Commission meeting.**

6. No. 08CA001 - Prairie Meadows Subdivision  
A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet, Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth

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course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

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

7. No. 08CA002 - Prairie Meadows Subdivision

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

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

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

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 approved 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.**

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 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

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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 approved the Rezoning from Low Density Residential District to Office Commercial District in conjunction with the associated 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.**

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 22, 2008 Planning Commission Meeting to allow the applicant to submit additional information.**

11. No. 08RZ007 - Big Sky Business Park

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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 22, 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 22, 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 designation from Office Commercial with a Planned Commercial**

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**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 22, 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 22, 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 an **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 corner on the westerly boundary of said Tract A; Thence, second course:

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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 22, 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**



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**Residential to the May 22, 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 22, 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 22, 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 **Rezoning from Low Density Residential District to Office Commercial**

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**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 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 Rezoning from Low Density Residential District to Office Commercial District to the May 22, 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 northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly

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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 22, 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, a distance of 30.00 feet; Thence, eighteenth course: N00°04'43"E, a distance of

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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 22, 2008 Planning Commission meeting to allow the applicant to submit additional information.**

22. No. 08CA015 - McMahon Industrial Park No. 2

A request by Jami Carpenter to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Neighborhood Commercial to Medium Density Residential** on Lot A of Tract A less Lot H2 of Block 3, McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4144 Haines Avenue.

**Planning Commission denied the Amendment to the Adopted Comprehensive Plan to change the land use designation from Neighborhood Commercial to Medium Density Residential without prejudice at the applicant's request.**

23. No. 08RZ013 - McMahon Industrial Park No. 2

A request by Jami Carpenter to consider an application for a **Rezoning from Neighborhood Commercial District to Medium Density Residential District** on Lot A of Tract A less Lot H2 of Block 3, McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4144 Haines Avenue.

**Planning Commission denied the Rezoning from Neighborhood Commercial District to Medium Density Residential District without prejudice at the applicant's request.**

25. No. 08PL030 - Homestead Plaza Subdivision

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

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

26. No. 08SV014 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code to the May 22, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

27. 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 22, 2008 Planning Commission meeting.**

28. No. 08PL051 - Potts Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Donald and Christine Potts to consider an application for a **Preliminary Plat** on Lots 2A, 2B

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and 2C of Lot 2 of Potts Subdivision, formerly Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Covenant Drive.

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

- 1. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street extending through the property shall be approved or the plat document shall be revised accordingly. In addition, construction plans for the collector street shall be submitted showing the street located in a minimum 52 foot wide right-of-way with a 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated;**
- 3. Prior to Preliminary Plat approval by the City Council, plans for Catron Boulevard shall be submitted showing Catron Boulevard 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;**
- 4. Prior to Preliminary Plat approval by the City Council, plans for Covenant Drive must be submitted showing Covenant Drive constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by City Council, all redline comments 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;**
- 6. Prior to Preliminary Plat approval by City Council, revised construction plans shall be submitted for review and approval and a cost share agreement shall be submitted to the Rapid City Public Works Department for any anticipated over sizing costs of the proposed water main;**
- 7. Prior to City Council approval of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 8. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and**

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approval;

9. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required; and,**
10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

29. No. 08SV024 - Potts Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Donald and Christine Potts to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive and to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate Right-of-way along the section line Right-of-way and to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code** on Lots 2A, 2B and 2C of Lot 2 of Potts Subdivision, formerly Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Covenant Drive.

**Planning Commission approved the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive as per Chapter 16 of the Rapid City Municipal Code 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;**

**Approved the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate right-of-way along the section line highway as per Chapter 16 of the Rapid City Municipal Code 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; and,**

**Approved the Variance to the Subdivision Regulations to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code with the following stipulation:**

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

30. No. 08PL052 - Tower Place Subdivision

A request by Renner & Associates for Andrea K. Sabow to consider an application for a **Preliminary Plat** on Tracts A and B of Tower Place, (description formerly as shown in Book 57 of Deeds, Page 7057, recorded on January 26, 1995), located in the N1/2 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 E1/4 NW1/4

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SW/14, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located at 1640 Skyline Ranch Road.

**Planning Commission continued the Preliminary Plat to the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information.**

31. No. 08SV025 - Tower Place Subdivision

A request by Renner & Associates for Andrea K. Sabow 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 Tracts A and B of Tower Place, (description formerly as shown in Book 57 of Deeds, Page 7057, recorded on January 26, 1995), located in the N1/2 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as The E1/2 E1/4 NW1/4 SW/14, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located 1640 Skyline Ranch Road.

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

34. No. 08PL055 - MJK Subdivision

A request by Advanced Engineering for David M. Grundstrom to consider an application for a **Preliminary Plat** on Lots 1 of Lot B3 and Lot 2 of B3 of Parcel B of MJK Subdivision, formerly Lot B3 of Parcel B of the MJK Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B3 of Parcel B of the MJK



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Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4045 Derby Lane.

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

1. **Prior to City Council approval, 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;**
  2. **Prior to City Council approval, a miscellaneous document must be recorded at the Pennington County Register of Deeds office providing a 45 foot wide access easement to Lot B3;**
  3. **Prior to City Council approval, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
  4. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required; and,**
  5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
35. No. 08SR027 - Brookside Subdivision  
A request by Thomas L. Allen to consider an application for a **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 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 22, 2008 Planning Commission meeting.**

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

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

Fisher presented the staff's recommendation to continue the Preliminary Plat request to the June 5, 2008 Planning Commission meeting.

**Brown moved, Waltman seconded and unanimously carried to continue the Preliminary Plat to the June 5, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

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Waltman requested that items 32 and 33 be taken concurrently.

32. No. 08PL053 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 2A, 2B and 2C of Block 3 of Rushmore Crossing, formerly Lots 2 and 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Eglin Street.

33. No. 08SV026 - Rushmore Crossing

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 along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A, 2B and 2C of Block 3 of Rushmore Crossing, formerly Lots 2 and 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Eglin Street.

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

**Anderson moved, Brown seconded and carried to approve the Preliminary Plat with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the plans shall show the street constructed with 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, the plat document shall be revised to show the previously dedicated 8 foot wide minor drainage and utility easement along the common lot line or the easement shall be vacated and all of the affected utility companies shall submit written documentation concurring with the vacation;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the vacation of the previously dedicated shared approach located in the middle of proposed Lot 2B;**
4. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Interstate 90 or an Exception to the Street Design Criteria Manual shall be obtained;**

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5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised eliminating the non-access easement from the shared approach located along the east lot line of proposed lot 2C;**
6. **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;**
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. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
9. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

**Approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer 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; and, Deny the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Interstate 90 without prejudice. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger and Scull voting yes and none voting no and Waltman abstaining)**

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

Fisher requested that items 36, 37 and 38 be taken concurrently.

36. 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,

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more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

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

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

\*38. 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

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

Fisher presented the staff's recommendation to continue the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial Development requests to the May 22, 2008 Planning Commission meeting.

In response to Derby's question, Fisher stated that the applicant signed the required Waiver of Time Extension.

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

**Rolinger moved, Landguth seconded and carried to continue the Preliminary Plat, 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 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. (6 to 0 to 2 with Anderson, Brown, Derby, Landguth, Rolinger and Waltman 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.***

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\*39. No. 07UR011 - Section 30, T2N, R8E

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

Fisher presented the staff's recommendation to deny the Conditional Use Permit request without prejudice at the applicant's request.

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

**Brown moved, Scull seconded and carried to deny the Conditional Use Permit to allow an on-sale liquor establishment without prejudice at the applicant's request. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger and Scull voting yes and none voting no and Waltman abstaining )**

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

40. No. 08OA003 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.50.335 "Sight Triangles" of the Rapid City Municipal Code.**

Elkins presented the staff's recommendation to continue the Ordinance Amendment request to the June 5, 2008 Planning Commission meeting.

In response to Landguth's question, Elkins stated that staff has received a request to further review the proposed changes.

In response to Brewer's question, Elkins stated that staff will outline the

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proposed changes in the Ordinance Amendment.

**Waltman moved, Brown seconded and unanimously carried to continue the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the June 5, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

41. 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 NW1/4 NE1/4, 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 the staff's recommendation to continue the Planned Light Industrial Development request to the May 22, 2008 Planning Commission meeting.

**Landguth moved, Rolinger seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the May 22, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

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

Tegethoff requested that items 42 and 43 be taken concurrently.

42. 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 Subdivision, 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.

43. No. 08SV016 - Engesser Subdivision

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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 Engressor Subdivision, 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.

Tegethoff presented the staff's recommendation to approve the Preliminary Plat with stipulations and to approve the Variance to the Subdivision Regulations requests to install improvements along Dunn Road and Radar Hill Road with the exception to deny the Variance request to waive the requirement to install pavement along Radar Hill Road.

Kale McNaboe, Sperlich Consulting requested that the Planning Commission approve the Variance to the Subdivision Regulations request for the requirement to install pavement along Radar Hill Road.

In response to Waltman's question, Elkins stated that the requirement for paving does not reference the length of pavement.

In response to Brewer's question, Elkins reviewed the existing road surface and the proposed new development requiring pavement.

Lengthy discussion followed regarding pavement requirements for a rural subdivision.

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, a master plan for the entire property shall be submitted for review and approval. In particular the master plan must identify efficient circulation of traffic, adequate access to adjoining properties, proper handling of storm water flows, and extension of public utilities;**
- 2. Prior to Preliminary Plat approval by City Council, a drainage and grading plan must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to provide drainage easements as necessary;**
- 3. Prior to Preliminary Plat approval by City Council, water system plans prepared by a Registered Professional Engineer verifying the**



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- source and demonstrating that sufficient quantities for domestic and fire flows be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
4. Prior to Preliminary Plat approval by City Council, 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;
  5. Prior to Preliminary Plat approval by the City Council, the applicant shall revise the plat document dedicating an additional 17 feet of right-of-way along the west side of Radar Hill Road;
  6. Prior to Preliminary Plat approval by the City Council, the applicant shall revise the plat document dedicating an additional 6 feet of right-of-way along the south side of Dunn Road;
  7. Prior to Preliminary Plat approval by the City Council, plans for Radar Hill Road shall be submitted showing Radar Hill Road constructed with a minimum 36 feet 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 of proposed Lot 2;
  8. Prior to Preliminary Plat approval by the City Council, plans for Dunn Road must be submitted showing Dunn Road constructed with a minimum 40 feet wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  9. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  10. 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;
  11. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;
  12. Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance shall be obtained; and,
  13. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

Approve 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 as per Chapter 16.16 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;

Approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

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**Prior to City Council approval, the applicant shall sign a waiver of 1. right to protest any future assessment for the improvements; Deny the Variance to the Subdivision Regulations to waive the requirement to install pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

Fisher requested that items 44 and 45 be taken concurrently.

44. No. 08PL050 - Anamosa Crossing Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 8 of Anamosa Crossing Subdivision, formerly a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East North Street and the future East Anamosa Street.

45. No. 08SV023 - Anamosa Crossing Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street and to install sewer along portions of Century Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 8 of Anamosa Crossing Subdivision, formerly a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East North Street and the future East Anamosa Street.

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

In response to Brewer's questions, Fisher reviewed the size of the sidewalks and the size of the boulevard buffer.

Brewer expressed his support for the requirement that sidewalks be installed on both sides of East North Street.

Rolinger expressed his support to require installation of sidewalks on both sides of the street.

In response to Derby's question, Fisher identified the location of the proposed sidewalk on the subject property.

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Elkins reviewed the City's ability to require the installation of sidewalks through the assessment process. Discussion followed.

**Brown moved, Scull seconded and unanimously carried to approve 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, construction plans for E. North Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with sewer and sidewalk. In addition, a water main shall be extended along the west side of E. North Street from Century Road to the north lot line of proposed Lot 1 or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, construction plans for Century Road shall be submitted for review and approval. In particular, the construction plans shall show a sewer main constructed along the entire street right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual or an Exception shall be obtained;**
- 5. Prior to submittal of a Final Plat application, an alternate street name for Charleston Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;**
- 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

**Approve the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street 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. A sidewalk shall be provided along one side of the street;**

**Approve the Variance to the Subdivision Regulations to waive the requirement to install sewer along portions of Century Road. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

Tegethoff requested that items 46 and 47 be taken concurrently.

**46. No. 08PL054 - Mall Drive Subdivision**

**A request by Dream Design International, Inc. to consider an application for a Preliminary Plat on Lots 1, 2 and 3 of Mall Drive Subdivision, and Lots 1A and**

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1B of Interstate 90 Heartland Business Park, formerly a portion of the unplatted balance of the NW1/4 SE1/4 north of Interstate 90 excepting Lot H13 and Lot 3 of the S1/2 SE1/4 all located in the SE1/4 and Lot 1 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4 SE1/4 north of Interstate 90 excepting Lot H13 and Lot 3 of the S1/2 SE1/4 all located in the SE1/4 and Lot 1 of Block 6 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Mall Drive and Dakota Craft Drive.

47. No. 08SV027 - Mall Drive 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 sidewalk along the north side of East Mall Drive and Dakota Craft Drive** on Lots 1, 2 and 3 of Mall Drive Subdivision, and Lots 1A and 1B of Interstate 90 Heartland Business Park, formerly a portion of the unplatted balance of the NW1/4 SE1/4 north of Interstate 90 excepting Lot H13 and Lot 3 of the S1/2 SE1/4 all located in the SE1/4 and Lot 1 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4 SE1/4 north of Interstate 90 excepting Lot H13 and Lot 3 of the S1/2 SE1/4 all located in the SE1/4 and Lot 1 of Block 6 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Mall Drive and Dakota Craft Drive.

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

**Rolinger moved, Landguth seconded and unanimously carried to approve the Preliminary Plat with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the Planning Commission, a master plan for the entire property shall be submitted for review and approval. In particular the master plan must identify efficient circulation of traffic, adequate access to adjoining properties, proper handling of storm water flows, and extension of public utilities;**
- 2. Prior to Preliminary Plat approval by City Council, a revised plat document be submitted for review and approval demonstrating adequate access and water and sewer services to proposed Lot 1B;**
- 3. Prior to Preliminary Plat approval by City Council, road construction plans for E. Mall Drive be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations must be obtained;**
- 4. Prior to Preliminary Plat approval by City Council, all redline comments 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;**
- 5. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater**

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- Quality Manual be submitted for review and approval;**
6. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
  7. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required; and,**
  8. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

**Deny the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the north side of East Mall Drive and Dakota Craft Drive. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

Ball requested that items 48, 49, 52 and 54 be taken concurrently.

48. No. 08SR015 - Section 18, T1N, R8E  
A request by City of Rapid City to consider an application for a **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 on Centennial Parkway - 3820 Odde Drive.
49. No. 08SR016 - Sections 5, T1N, R8E  
A request by City of Rapid City to consider an application for a **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.
52. No. 08SR019 - North Rapid Subdivision  
A request by City of Rapid City to consider an application for a **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.
54. No. 08SR021 - Rapid City Greenway Tract  
A request by City of Rapid City to consider an application for a **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 approve the SDCL 11-6-19 Review requests with stipulations.

**Brown moved, Waltman seconded and unanimously carried to approve the SDCL 11-6-19 Review requests to allow the construction of a sign on public**

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property with the following stipulation:

1. **Prior to Planning Commission approval, the applicant shall submit a revised site plan drawn to scale for review and approval that identifies all existing utilities, existing signs, existing structures, irrigation lines, drainage/utility easements, proposed sign location, the location of the sight triangle and the location of the 100 year flood plain. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

Ball requested that items 50, 51 and 53 be taken concurrently.

50. No. 08SR017 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **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.

51. No. 08SR018 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **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.

53. No. 08SR020 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **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.

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

**Rolinger moved, Anderson seconded and unanimously carried to continue the SDCL 11-6-19 Review requests to allow construction of a sign on public property to the May 22, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

55. No. 08SR034 - Rapid City Regional Airport Subdivision No. 6

A request by Kadrmas, Lee & Jackson, Inc. for Rapid City Regional Airport to consider an application for a **SDCL 11-6-19 Review to allow a parking lot extension** on Lot P-1 of Rapid City Regional Airport No. 6, Section 20, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Rapid City Regional Airport.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review

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request to the May 22, 2008 Planning Commission meeting.

**Brown moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a parking lot extension to the May 22, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

56. No. 08SR035 - Section 20, T1N, R8E

A request by Ferber Engineering Co., Inc. for Dakota Craft Business Properties, LTD to consider an application for a **SDCL 11-6-19 Review to allow the extension of a public water main** on Lot 1A, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5406 Old Folsom Road.

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

**Rolinger moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a water main on public property to the May 22, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

\*57. No. 08UR003 - Enchanted Hills Subdivision No. 2

A request by Richard Crist to consider an application for a **Conditional Use Permit to allow an oversize garage in a Low Density Residential Zoning District** on Lot 17 of Enchanted Hills Subdivision No. 2, Section 23, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 1416 Panorama Circle.

Ball presented the staff's recommendation to continue the Conditional Use Permit request to the May 22, 2008 Planning Commission meeting.

**Brown moved, Rolinger seconded and unanimously carried to continue the Conditional Use Permit to allow an oversize garage in a Low Density Residential Zoning District to the May 22, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

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

58. No. 08VE011 - Fort Hayes Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Herman Jones to consider an application for a **Vacation of Access and Utility Easement** on Lot

**DRAFT**

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 the Vacation of Access and Utility Easement request.

**Scull moved, Rolinger seconded and unanimously carried to approve the Vacation of Access and Utility Easement. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

59. Discussion Items

A. Ex-parte Communications Policy – Joel Landeen.

Elkins requested that the Ex-parte Communications Policy be continued to the June 5, 2008 Planning Commission meeting.

**Brown moved, Waltman seconded and unanimously carried to continue the Ex-parte Communications Policy to the June 5, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

60. Staff Items

Elkins requested that the Planning Commission authorize staff to submit a Major Street Plan request to correct the Major Street Plan for the extension of Haugo Drive south of Catron Boulevard.

**Rolinger moved, Anderson seconded and unanimously carried to authorize staff to present a correction to the Major Street Plan. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

61. Planning Commission Items

A. Scull requested that the Building Height Requirement be placed on the June 5, 2008 Planning Commission Agenda. Discussion followed.

**Brown moved, Waltman seconded and unanimously carried to place the Building Height Requirement on the June 5, 2008 Planning Commission Agenda. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

62. Committee Reports

A. City Council Report (April 21, 2008)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following item:



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No. 07PL141 - Anamosa Crossing

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Century Road and East North Street.

On November 15, 2007 the Planning Commission recommended that the **Preliminary Plat** be approved with stipulations. On April 21, 2008 the City Council denied the **Preliminary Plat** without prejudice at the applicant's request.

- 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, Anderson seconded and unanimously carried to adjourn the meeting at 7:57 a.m. (8 to 0 with Anderson, Brewer, Brown, Derby, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**