



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 22, 2008

MEMBERS PRESENT: Mike Derby, Julie Gregg, Dennis Landguth, Mike LeMay, Steve Rolinger and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

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

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

Staff requested that Items 6 and 33 be removed from the Consent Agenda for separate consideration.

Motion by Landguth Seconded by LeMay and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 38 in accordance with the staff recommendations with the exception of Items 6 and 33. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 8, 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 June 26, 2008 Planning Commission meeting.

3. No. 07PL134 - Hyland Crossing Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2



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

Planning Commission continued the Preliminary Plat to the June 5, 2008 Planning Commission meeting.

4. No. 07SV057 - Hyland Crossing Subdivision

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

Planning Commission 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 June 5, 2008 Planning Commission meeting.

*5. 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 June 5, 2008 Planning Commission meeting.

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.

7. No. 08CA004 - Stoney Creek South Subdivision

A request by Boschee Engineering for Stoney Creek Development 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 a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development** on Lots 1, 2 and 3 of



Block 3 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610, 5624 and 5712 Bendt Drive.

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

8. 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 June 5, 2008 Planning Commission meeting.

9. No. 08RZ007 - Big Sky Business Park

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 June 5, 2008 Planning Commission meeting.

10. 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 June 5, 2008 Planning Commission meeting.

11. 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 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 Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Public to the June 5, 2008 Planning Commission meeting.



12. 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 June 5, 2008 Planning Commission meeting.

13. 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: 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 southwesterly 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 June 5, 2008 Planning Commission meeting.

14. 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 142.35 feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, seventh course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, eighth course: S00°06'38"W, along the section 1/16th line, a distance of 155.91 feet, to a point on the northerly boundary of Block 1 of Neff's Subdivision No. 2; Thence, ninth course: N89°52'44"W, along the northerly boundary of said Block 1 of Neff's Subdivision No. 2, a distance of 235.17 feet, to the northwesterly corner of said Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential to the June 5, 2008 Planning Commission meeting.

15. 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 June 5, 2008 Planning Commission meeting.

16. 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 June 5, 2008 Planning Commission meeting.

17. 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 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 southwesterly 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 June 5, 2008 Planning Commission meeting.

18. 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 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 June 5, 2008 Planning Commission meeting.

19. 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 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 June 5, 2008 Planning



Commission meeting.

*20. No. 08PD021 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a parcel of land located in the E½ NW¼ and the NE¼ SW¼ of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot 1 in Block 8 of Copperfield Subdivision, located NE¼ SW¼ of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed December 21, 1995 and recorded in Book 27 of Plats on Page 64, said corner being located on a 1/16th Section Line and marked by a rebar with survey cap LS 2652; thence, northerly along said 1/16th Section Line, N00°02'43"E, a distance of 271.55 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, N90°00'00"E, a distance of 172.98 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, N00°00'00"W, a distance of 60.11 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, curving to the right on a curve with a radius of 574.00 feet, a delta of 02°30'35", an arc length of 25.14 feet, and a chord bearing and distance of N01°15'18"E a distance of 25.14 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S87°29'25"E, a distance of 172.79 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S86°11'43"E, a distance of 130.00 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S83°50'39"E, a distance of 70.87 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S76°13'24"E, a distance of 261.44 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S15°55'14"W, a distance of 160.58 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S74°04'46"E, a distance of 45.00 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S15°55'14"W, a distance of 104.91 feet more or less to point on the north line of Lot 5 in Block 7 of Copperfield Subdivision, located in the NE¼ SW¼ of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed June 12, 1989 and recorded in Book 22 of Plats on Page 195, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 4.20 feet more or less to the northwest corner of said Lot 5 in Block 7 of Copperfield Subdivision, being coincident with the northeast corner of Lot 6 of Block 7 of Copperfield Subdivision, located in the NE¼ SW¼ of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed August 14, 1995 and recorded in Book 27 of Plats on Page 17, said point being marked by a rebar with survey cap "LS 6251"; thence, northwesterly along the north line of said Lot 6 in Block 7 of Copperfield Subdivision, and continuing along the north lines of Lots 7 and 8 of Block 7 of the same Copperfield Subdivision, N71°36'31"W a distance of 236.81 feet more or less, to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of the same Copperfield Subdivision, said point being marked by a rebar with survey cap "LS 2652"; thence, westerly along the north line of said Lot 9 in Block 7 of



Copperfield Subdivision, S89°56'31"W, a distance of 80.95 feet more or less to the northwest corner of said Lot 9 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 10 in Block 7 of the same Copperfield Subdivision, said point being marked by a rebar with survey cap "LS 2652"; thence, westerly along the north line of said Lot 10 in Block 7 of Copperfield Subdivision, S89°54'45"W, a distance of 88.99 feet more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said corner being coincident with the northeast corner of Lot 11 in Block 7 of the same Copperfield Subdivision, said point being marked by a rebar with survey cap "LS 2652"; thence, southwesterly along the north line of said Lot 11 in Block 7 of Copperfield Subdivision, S67°59'02"W, a distance of 74.27 feet more or less to the northwest corner of said Lot 11 in Block 7 of Copperfield Subdivision, said corner being coincident with the northeast corner of Lot 12 in Block 7 of the same Copperfield Subdivision, said point being marked by a rebar with survey cap "LS 2652"; thence, southwesterly along the north line of said Lot 12 in Block 7 of Copperfield Subdivision, S68°02'59"W, a distance of 74.22 feet more or less to the northwest corner of said Lot 12 in Block 7 of Copperfield Subdivision, said corner being coincident with the northeast corner of Lot 13 in Block 7 of Copperfield Subdivision located in the NE¼ SW¼ of Said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed December 21, 1995 and recorded in Book 27 of Plats on Page 64, said corner being marked by a rebar with survey cap "LS 2652"; thence, southwesterly along the north line of said Lot 13 in Block 7 of Copperfield Subdivision, S67°59'59"W, a distance of 61.94 feet more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said corner being coincident with the northerly line of Summerfield Drive right-of-way as shown on the plat recorded in Book 27 of Plats on page 64, and said corner being marked by a rebar with survey cap "RW Fisk 6565"; thence, westerly along the north line of said Summerfield Drive right-of-way, N89°26'58"W, a distance of 60.14 feet more or less to the northeast corner of the previously described Lot 1 in Block 8 of the same Copperfield Subdivision, said point being marked by a rebar with survey cap "LS 4208"; thence, westerly along the north line of said Lot 1 in Block 8 of the same Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet more or less, to the point of beginning, more generally described as being located at the northern terminus of Copperfield Drive.

Planning Commission approved the Planned Residential Development – Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing Lots 7 and 8 of Block 2 and Lots 9 and 10 of Block 3 with a minimum lot size of 6,500 square feet;**
- 2. Prior to Planning Commission approval, a site plan shall be submitted for review and approval showing a typical building envelope on each lot to ensure a reasonable building envelope exists due to the Major Drainage Easements and the Utility Easements located on the lot(s);**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be**



reviewed and approved to insure that all right(s)-of-way have been dedicated;

5. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot setback shall be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and 12 feet for a two story structure shall be provided. In addition, a minimum 25 foot rear yard setback shall be provided;
6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development;
8. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met; and,
9. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. Upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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.

21. No. 08PL065 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 20 of Block 1, located in portions of the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Copperfield Drive.



Planning Commission approved the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, the associated SDCL 11-6-19 Review to relocate the Rocky Mountain Pipeline shall be approved. In addition, prior to submittal of a Final Plat application, the pipeline shall be relocated or surety shall be posted;**
- 2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
- 3. Prior to Preliminary Plat approval by the City Council, a non-access easement shall be shown along the entire north lot line of proposed Lot 1 as it abuts Homestead Street or an Exception shall be obtained to allow access from the higher order street;**
- 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the utility easement located along the common lot line of proposed Lots 16 and 17 as a 20 foot wide municipal utility easement. A note shall be placed on the plat stating that “the municipal utility easement is for the construction, operation, maintenance, inspection and repair of a sanitary sewer main. In addition, the easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs”;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street name “Bar-5 Ranch Road” as “Bar Five Ranch Road”;**
- 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;**
- 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.**

22. No. 08PL016 - Schaeferville Subdivision

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



B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Preliminary Plat to the June 26, 2008 Planning Commission meeting.

23. No. 08SV010 - Schaeferville Subdivision

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the section line highway, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the June 26, 2008 Planning Commission meeting.

24. No. 08PL030 - Homestead Plaza Subdivision

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

Planning Commission continued the Preliminary Plat to the June 5, 2008



Planning Commission meeting.

25. 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 June 5, 2008 Planning Commission meeting.

26. 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 June 5, 2008 Planning Commission meeting.

27. 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 SW1/4, 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 acknowledged the applicant's request that the Preliminary Plat be withdrawn.

28. 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 SW1/4, 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 acknowledged the applicant's request that the Variance to the Subdivision Regulations Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be withdrawn.

29. No. 08PL060 - Hillenbrand Subdivision

A request by Hadcock Construction, Inc. for Allan L. and Leah J. Dewald to consider an application for a **Layout Plat** on Lot B of Dewald's Subdivision, formerly a portion of the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, legally described as a portion of the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located north of the terminus of Nameless Cave Road and northeast of Cavern Road.

Planning Commission approved the Layout Plat with the following stipulations:

1. **Upon submittal of a Preliminary Plat application, a drainage and grading plan shall be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;**



2. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
 3. Upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of the Preliminary Plat, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by City Council, the access easement shall be recorded at the Register of Deeds office as a miscellaneous document. In addition, the applicant shall demonstrate the right to use the existing access easement to serve the proposed lot;
 6. Prior to Preliminary Plat approval by City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
 7. Prior to Preliminary Plat approval by City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented;
 8. Upon submittal of the Preliminary Plat, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 9. Upon submittal of the Preliminary Plat, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;
 11. 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 from Pennington County shall be obtained; and,
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
30. No. 08PL061 - Race Track Subdivision



A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Layout Plat** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Layout Plat to the June 5, 2008 Planning Commission meeting.

31. No. 08SV028 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC 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 additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the June 5, 2008 Planning Commission meeting.

32. No. 08PL062 - Old Rodeo Subdivision

A request by Sperlich Consulting, Inc. for Orthopedic Building Partnership to consider an application for a **Preliminary Plat** on Lots 1R, 5R and 6 of Old Rodeo Subdivision, formerly Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7220 South Highway 16 and 7111 Jordan Drive.

Planning Commission approved the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, construction plans for U.S. Highway 16 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, a non-access easement shall be identified along the eastern**



- lot line, as no access will be allowed onto U.S. Highway 16;
 2. Prior to Preliminary Plat approval by the City Council, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines to the property to the south shall be submitted for review and approval;
 3. Prior to Preliminary Plat approval by the City Council, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
 4. Prior to Preliminary Plat approval by 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;
 5. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required; and,
 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
34. No. 08PL064 - Heartland Business Park
A request by FMG, Inc. for Pat Tlustos to consider an application for a **Preliminary Plat** on Lots 6 thru 8 of Block 2 of I-90 Heartland Business Park and dedicated public right-of-way shown as Rearden Court all located in the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the S½ of SE¼ of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" marking the northwest corner of Lot 1 of Block 7 of I-90 Heartland Business Park; Thence N26°45'42"E a distance of 608.43', more or less, to a point; Thence S89°57'07"E a distance of 370.00', more or less, to a point; Thence S72°38'37"E a distance of 162.98', more or less, to a point; Thence S55°39'21"E a distance of 878.48', more or less, to a point; Said point being on the section line between Section 21, T2N, R8E, BHM and Section 28, T2N, R8E, BHM; Thence N89°57'07"W a distance of 1524.86', more or less, to the point of beginning, more generally described as being located west of Elk Vale Road and north of Seger Drive.

Planning Commission approved the Preliminary Plat with the following stipulations:

1. Prior to Preliminary Plat approval by City Council, the entire parcel shall be annexed into the City of Rapid City limits;
2. Prior to Preliminary Plat approval by City Council, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;



3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
5. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees be paid as required;**
6. **Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.**

35. No. 08RZ014 - Sletten Addition

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** on Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of West Nike Road and east of Cobalt Drive.

Planning Commission approved the Rezoning from No Use District to Public District.

36. No. 08SR029 - Holy Cow Ranch Subdivision

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

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a community facility.

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

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

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the June 5, 2008 Planning Commission meeting.

38. No. 08VE005 - Limestone Subdivision

A request by Renner & Assoc. for Pete Lien & Sons to consider an application for a **Vacation of Access Easement** on 50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Zenker Place and Sturgis Road.



Planning Commission continued the Vacation of Access Easement to the June 26, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

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

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

Dominicak presented and Elkins explained the staff's recommendation to deny the Vacation of Right-of-way request without prejudice with the applicant's concurrence. Discussion followed.

Planning Commission denied the Vacation of Right-of-way without prejudice at the applicant's concurrence. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

33. No. 08SV029 - Old Rodeo Subdivision

A request by Sperlich Consulting, Inc. for Orthopedic Building Partnership to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install Water, sewer, curb, gutter, sidewalk, and street light conduit along S.D. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1R, 5R and 6 of Old Rodeo Subdivision, formerly Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7220 South Highway 16 and 7111 Jordan Drive.

Elkins presented the staff's recommendation to approve the Variance to the Subdivision Regulations request with revised stipulations.

Gregg moved, LeMay seconded and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;**
2. **Prior to submittal of a Final Plat application, an agreement shall be recorded at the Register of Deed's Office stating that no building**



- permits shall be issued for the adjacent property to the south until adequate sewer capacity is demonstrated to serve the property; and,
3. Prior to approval of a Final Commercial Development Plan for the adjacent property to the south , a sanitary sewer study and sanitary sewer construction plans shall be submitted for review and approval. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*39. No. 07PD102 - Kashmir Subdivision

A request by Michael Derby to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots B thru M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Bulman presented the staff's recommendation to continue the Planned Commercial Development request to the June 26, 2008 Planning Commission meeting at the applicant's request.

Derby abstained from discussion and voting due to a conflict of interest.

LeMay moved, Waltman seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the June 26, 2008 Planning Commission meeting at the applicant's request. (5 to 0 to 1 with Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no and Derby abstaining)

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

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

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

A request by Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot



H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

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

A request by Whittingham & 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.

*42. No. 08PD007 - Tower Ridge Subdivision

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



a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located 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 June 5, 2008 Planning Commission meeting.

LeMay moved, Gregg seconded and unanimously 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 Planned Commercial Development - Initial Development Plan to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

*43. 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 June 5, 2008 Planning Commission meeting with the applicant's concurrence.

Rolinger moved, LeMay seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

*44. No. 08PD016 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 3 of Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Dyess Avenue and East Mall Drive.

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

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

Rolinger moved, LeMay seconded and carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing that the dog kennel(s) can be accessed without interfering with the adjacent parking spaces;**
- 2. One planter island may be eliminated as proposed contingent upon a minimum of 347,754 landscaping points with 20 planter islands being provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as**



- necessary. In particular, due to the findings in the geotechnical report, the applicant shall closely monitor the landscaping and replace the plant material as needed;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 4. Prior to issuance of a Certificate of Occupancy, the turn lane along E. Mall Drive and the underground conduit and appurtenances for the signalization at the intersection of E. Mall Drive and Access #4 shall be constructed;
 5. Prior to issuance of a Certificate of Occupancy, the screening fence along Interstate 90 shall be constructed;
 6. The trash compactor shall be located in compliance with the proposed plan. In particular, the trash compactor shall be located with the loading dock area, behind the screening fence;
 7. The dog runs and horse pens shall be continually maintained as per the maintenance schedule. In particular, the animal waste shall be removed from the site in a timely manner to preclude odor, flies or other safety and health issues;
 8. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the original Planned Commercial Development. All of the roof top mechanical equipment shall be screened along all four sides;
 9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the original Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 10. A minimum of 444 parking spaces shall be provided. In addition, nine of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 11. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
 12. The structure shall be used as a retail store with outdoor dog runs



and horse pens and with temporary outdoor sales and display or a Major Amendment to the Commercial Development Plan shall be obtained. The temporary outdoor sales shall be conducted in compliance with Chapter 17.50.230 of the Rapid City Municipal Code. In addition, no overnight camping or overnight recreational vehicle parking or overnight kenneling shall be allowed;

13. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Final Commercial Development Plan application or a subsequent Major Amendment; and,
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (5 to 0 to 1 with Derby, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no and Waltman abstaining)

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

*45. No. 08PD020 - Forefather Flats Subdivision

A request by BFA, Inc. for Sam's West, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a tract of land being part of the N½ of the SW ¼, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, SD to wit: Beginning at the Northwest corner of Lot 3 of Forefather Flats Subdivision, said point also being in the South line of Lot 1 of said subdivision. Thence along the West line of said Lot 3 S00°00'05"W 282.04 feet to a point; continuing along said West line of said Lot 3 S90°00'00" E 10.01 feet to a point; thence S00°00'00"E 457.63 feet to a point on the North right-of-way line of South Dakota Interstate 90; thence leaving said west line along said North Right-of-Way line N89°50'04"W 778.03 feet to a point; thence leaving said North Right of Way line N00°00'05"E 397.00 feet to a point; thence N89°59'55"W 8.00 feet to a point; thence N00°00'05"E 263.76 feet to a point; thence N15°10'08"W 15.41 feet to a point; thence N74°49'52"E 174.18 feet to a point; thence on a curve deflecting to the right having a radius of 465.50 feet, an arch length of 123.25 feet, a chord bearing of N82°24'59"E and a chord distance of 122.89 feet to a point; thence S89°59'55"E 364.93 feet to a point at the Southwest corner of Lot 1 of said subdivision; thence along the South line of said Lot 1 N90°00'00"E 125.18 feet to the point of beginning containing 13.03 acres; and, Commencing at the Northwest corner of Lot 1 of Forefather Flats Subdivision, said point also being a point on the South Right-of-Way line of East



Mall Drive, thence along said South Right-of-Way S89°53'22"W 634.76 feet to the point of beginning; thence leaving said South Right-of-Way line S00°00'05"W 186.71 feet to a point; thence S15°10'08" E 48.64 feet to a point; thence S74°49'52" W 34.00 feet to a point; thence N15°10'08"W 14.00 feet to a point; thence S74°49'52"W 70.55 feet to a point; thence N89°59'55"W 91.82 feet to a point; thence on a curve deflecting to the right having a radius of 30.00 feet, an arc length of 47.12 feet, a chord bearing of N44°59'55"W and a chord distance of 42.43 feet to a point, thence N00°00'05"E 180.54 feet to a point; thence on a curve deflecting to the right having a radius of 50.00 feet, an arc length of 41.04 feet, a chord bearing of N23°31'04"E and a chord distance of 39.90 feet to a point on the South Right-of-Way line of East Mall Drive, thence along said Right-of-Way line N89°53'22"E 197.74 feet to the point of beginning, containing 1.19 acres, more generally described as being located north of Interstate 90 and south of East Mall Drive.

Fisher presented the staff's recommendation to continue the Planned Commercial Development request to the June 5, 2008 Planning Commission meeting.

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

Rolinger moved, Landguth seconded and carried to continue the Planned Commercial Development - Final Development Plan to the June 5, 2008 Planning Commission meeting. (5 to 0 to 1 with Derby, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no and Waltman abstaining)

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

*46. No. 08PD017 - Menard Subdivision

A request by Scott Mueller for Menard Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1, 2, 3 and 6, all of Tract A of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Eglin Street and Anamosa Street.

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

Rolinger moved, LeMay seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the**



additions;

2. Prior to the issuance of a Building Permit, a Fence Height Exception shall be obtained to allow the ten foot high wood fence around the truck staging area or the fence height may not exceed eight feet;
3. Upon the submittal of a Building Permit, the applicant shall submit a grading and erosion control plan for review and approval;
4. Upon the submittal of a Building Permit, the applicant shall submit a drainage report for review and approval;
5. All applicable provisions of the Uniform Fire Code shall be continually met;
6. The parking plan shall continually comply with all requirements of the Zoning Ordinance; and,
7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

*47. No. 08PD018 - K-W Subdivision

A request by FMG, Inc. for Heinsel, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots A and B of Lot 1 of Lot D of K-W Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2815 Beale Street.

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

Rolinger moved, LeMay seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit documentation that an access easement exists for that portion of the driveway located on Lot A of Lot 1 of Lot D Less Lot H1 of K-W Subdivision, or an access easement shall be recorded at the Register of Deeds Office;
2. Prior to Planning Commission approval, the applicant shall submit a copy of an approved Approach Permit from the South Dakota Department of Transportation;
3. A minimum of 134,528 landscaping points with four landscaping islands shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced



as necessary;

4. A minimum of 168 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

*48. No. 08PD019 - Stoney Creek South Subdivision

A request by Donovan Broberg for ARC International to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 4 of Block 1 of Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5808 Sheridan Lake Road.

Tegethoff presented staff's recommendation to approve the Planned Commercial Development request with stipulations.

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

1. Prior to Planning Commission approval, a revised landscape plan shall be submitted removing the obstructions from the existing major drainage easement;
2. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;
3. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
4. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
5. The proposed commercial structure shall be used as professional office and medical facility uses. The addition of a future building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development;
6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in



accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
9. All International Fire Codes shall be met;
10. The lighting shall be arranged so as to provide security and to reflect light toward the parking areas;
11. The dumpsters and exterior air handling units shall be screened; and,
12. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

49. No. 08SR038 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. for Rocky Mountain Pipeline System, LLC to consider an application for a **SDCL 11-6-19 Review to extend a public utility** on an unplatted parcel of land located in the SE1/4 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Copperfield Drive.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the June 5, 2008 Planning Commission meeting.

Rolinger moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a public utility to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

Fisher requested that items 50 and 51 be taken concurrently.

50. No. 08PL066 - The Gateway Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 3 of Block 1 of the Gateway Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and south of East



Mall Drive.

51. No. 08SV030 - The Gateway Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3 of Block 1 of the Gateway Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and south of East Mall Drive.

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

Fisher presented the staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the June 5, 2008 Planning Commission meeting.

LeMay moved, Rolinger seconded and carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code to the June 5, 2008 Planning Commission meeting. (5 to 0 to 1 with Derby, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no and Waltman abstaining)

Ball requested that items 52, 53 and 54 be taken concurrently.

52. 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.



53. 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.

54. 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 June 5, 2008 Planning Commission meeting.

Waltman moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a sign on public property to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

55. 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 the Mary Hall Park at 3220 West South Street.

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

LeMay moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a structure on public property if the following additional information is submitted:

1. **Prior to Planning Commission approval, a Floodplain Development Permit shall be obtained or the shed shall be relocated out of the 100 year federally designated floodplain. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)**

56. 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 the Rapid City Regional Airport.



Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the June 5, 2008 Planning Commission meeting.

Landguth moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a parking lot extension to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

57. 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 water main on public property** 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 June 5, 2008 Planning Commission meeting.

LeMay moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a public water main construction of a sign on public property to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

58. No. 08SR036 - South Creek Industrial Park

A request by ARC International to consider an application for a **SDCL 11-6-19 Review to allow the expansion of a public building** on Lot 1 of Block 1 of South Creek Industrial Park, located in the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2317 Creek Drive.

Tegethoff presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the June 5, 2008 Planning Commission meeting.

Gregg moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the expansion of a public building to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

59. No. 08SR037 - South Boulevard Addition

A request by Rosenbaum Signs for Rod Haugen of South Park Elementary to consider an application for a **SDCL 11-6-19 Review to allow the replacement of a sign on public property** on Lots 1 thru 40 and the N1/2 of Vacated Meade Street and the vacated alley of Block 20 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 207 Flormann Street.

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



Landguth moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a sign on public property. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

*60. 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 June 5, 2008 Planning Commission meeting.

Rolinger moved, Waltman seconded and unanimously carried to continue the Conditional Use Permit to allow an oversize garage in a Low Density Residential Zoning District to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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

*61. No. 08UR004 - Rapid River Subdivision

A request by Mark Kostenbauer of World Class Golf, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 12 and 13 of Block 1 of Rapid River Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2130 Jackson Boulevard.

Ball presented the staff's recommendation to continue the Conditional Use Permit request to the June 5, 2008 Planning Commission meeting.

Rolinger moved, Waltman seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the June 5, 2008 Planning Commission meeting. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)

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



62. Discussion Items

63. Staff Items

64. Planning Commission Items

LeMay requested access to online training for Planning Commission members.

Elkins stated that staff would review training options for the Planning Commission.

A. Article 1 – Duties and Functions – Section 6 – Terms of Office.

Elkins presented the Duties and Functions for Planning Commissioners as requested.

65. Committee Reports

A. City Council Report (May 5, 2008)

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

B. Sign Code Board of Appeals

C. Zoning Board of Adjustment

D. Parks and Recreation Subcommittee

E. Capital Improvements Subcommittee

F. Americans With Disabilities Act Compliance Committee

G. Drinking Water Protection Committee

H. Tax Increment Financing Committee

I. Off-Premise Sign Permit Committee

J. Infrastructure Development Partnership Fund Committee

K. Floodplain Boundary Policy Committee

L. Landscape Code Committee

M. Smart Growth Committee

N. Others

There being no further business, Landguth moved, Rolinger seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (6 to 0 with Derby, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no)