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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 5, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Barb Collins, Frank Etter, Julie Gregg, Dennis Landguth, Mike LeMay, Steve Rolinger, Andrew Scull and Karen Waltman.

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

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

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

Staff requested that Item 43 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 44 in accordance with the staff recommendations with the exception of Item 43. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 22, 2008 Planning Commission Meeting Minutes.
2. 08TP014 - Amendment No. 08-008 to the 2008-2012 Transportation Improvement Program.

Planning Commission recommended approval of the 2008-2012 Transportation Improvement Program Amendment No. 08-008.

3. 08TP015 – 2009-2013 Rapid City Area Transportation Improvement Program – Draft Report.

Planning Commission recommended approval of the 2009-2013 Rapid City Area Transportation Improvement Program – Draft Report.

4. 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

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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 26, 2008 Planning Commission meeting.

5. 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 26, 2008 Planning Commission meeting.

*6. 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 26, 2008 Planning Commission meeting with the applicant's concurrence.

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

7. No. 08AN008 - Section 21, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the S½ NW¼; SW¼; S½ N½ NW¼ SE¼; S½ NW¼ NE¼ SE¼; S½ NW¼ SE¼; SW¼ NE¼ SE¼; SW¼

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SE¼ less the south 33 feet; W½ SE¼ SE¼ less the south 33 feet; Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue and west of Elk Vale Road.

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

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

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

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

9. 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

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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 26, 2008 Planning Commission Meeting.

10. 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 26, 2008 Planning Commission Meeting.

11. 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

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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 26, 2008 Planning Commission Meeting.

12. 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 Comprehensive Plan to change the future land use designation from Office Commercial to Public to the June 26, 2008 Planning Commission meeting.

13. 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 26, 2008 Planning Commission meeting.

14. No. 08CA013 - F&N Subdivision

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

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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 26, 2008 Planning Commission meeting.

15. 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

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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 26, 2008 Planning Commission meeting.

16. 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 26, 2008 Planning Commission meeting.

17. 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

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Residential District to Public District to the June 26, 2008 Planning Commission meeting.

18. 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 26, 2008 Planning Commission meeting.

19. 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

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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 26, 2008 Planning Commission meeting.

20. 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,

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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 26, 2008 Planning Commission meeting.

21. No. 08CA016 – Potts Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on Lots 1 and 2 of Potts Subdivision, located in that portion of the S1/2 SW1/4 SE1/4, Section 22, T1N, R7E; and the W1/2 N1/2 NE1/4 less Utility Subdivision, less Lots H1, H2 and H3, and less Right-of-way, located in the NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of Haugo Drive.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to revise the Major Street Plan by realigning a collector street.

22. No. 08CA017 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial** on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street.

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Planning Commission recommended approval of the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan from Light Industrial to General Commercial.

23. No. 08CA018 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial** on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street.

Planning Commission recommended approval of the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan from Light Industrial to General Commercial.

24. No. 08RZ015 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street.

Planning Commission recommended approval of the Rezoning from Light Industrial District to General Commercial District in conjunction with the associated Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial.

25. No. 08RZ016 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue;

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Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street.

Planning Commission recommended approval of the Rezoning from Light Industrial District to General Commercial District in conjunction with the associated Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial.

26. No. 08CA019 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan to change the land use designation from Park Forest District to Low Density Residential District** on a portion of the SE¼ of the NE¼, and a portion of the NE¼ of the SE¼, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, more generally described as being located at the western terminus of Auburn Drive.

Planning Commission recommended approval of the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest District to Low Density Residential District.

27. No. 08RZ017 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a portion of the SE¼ of the NE¼, and a portion of the NE¼ of the SE¼, Section

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14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, more generally described as being located at the western terminus of Auburn Drive.

Planning Commission recommended approval of that the Rezoning from No Use District to Low Density Residential District in conjunction with the associated Comprehensive Plan Amendment.

28. No. 08OA003 – Ordinance Amendment

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

Planning Commission continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the July 10, 2008 Planning Commission meeting.

*29. No. 08PD023 - Gemstone Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Larry Petters and Tom and Erika Herd to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 12 and Lots 13A and 13B of Lot 13, all in Block 3 of Gemstone Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Shelby Avenue and Sandra Lane.

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

1. **A minimum 18 foot front yard setback shall be provided in front of each residence;**
2. **All provisions of the Low Density Residential II District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;**

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3. The proposed structures shall conform architecturally to the plans and elevations submitted;
4. All International Fire Codes shall be continually met;
5. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual; and,
6. The Planned Residential Development shall allow for the construction of four townhome units on the property. Any change in use shall require a Major Amendment. In addition, the Planned Residential 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.

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.

*30. No. 08PD024 - Section 35, T2N, R7E

A request by Century Development Co. to consider an application for a **Major Amendment to a Planned Residential Development** on The north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Philadelphia Street between Founders Park Drive and North 11th Street.

Planning Commission approved the Major Amendment to a Planned Residential Development with the following stipulations:

1. The off-street parking requirements for the clubhouse are reduced from 24 spaces to 12 spaces as granted by the Rapid City Planning Commission on October 4, 2007. In addition, the City Council approval of an exception reducing the on-street visitor parking spaces from 49 spaces to 37 spaces is hereby acknowledged. The site plan shall also continue to show 98 guest parking spaces within the driveways of the townhome lots and the proposed 12 off-street parking spaces for the clubhouse.
2. The mail boxes shall be located and constructed in accordance with the approved plan;
3. All guest parking within LaVilla Vista Place is prohibited in accordance with the covenant agreements approved as part of the original Final Planned Development Plan;

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4. The private streets and the gates within the development shall be maintained in accordance with the covenant agreements approved as part of the original Final Planned Development Plan;
5. The approach along Founders Park Drive shall be posted as an “Exit Only” approach in order to prevent stacking and backing of the vehicles into the Founders Park Drive right-of-way;
6. The fence shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Residential Development;
7. Prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street shall be recorded at the Register of Deed’s Office to insure legal access to the site;
8. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved and recorded;
9. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
10. The landscaping shall comply with the approved plan and shall be continually maintained in a live vegetative state and replaced as necessary;
11. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. Street signs and lot addresses shall be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;
12. The previous action of the Planning Commission reducing the rear yard setback from 25 feet to 14.5 for the deck on the clubhouse is hereby acknowledged;
13. The previous action of the Planning Commission allowing the parking spaces for the clubhouse to back into the adjacent LaVilla Vista access easement is hereby acknowledged;
14. All signage shall conform architecturally to the plans and elevations and color palette submitted and approved as part of this Planned Residential Development; however, minor changes may be authorized by the Growth Management Director when they are consistent with the revised architectural style of the development as approved herein. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall be obtained prior to installation;
15. The street lights shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development; however, minor changes may be authorized by the Growth Management Director when they are consistent with the revised architectural style of the development as approved herein. In addition, street lights shall be continually be maintained.
16. The proposed structures shall conform architecturally to the revised elevations, design plans and color palette submitted as part this Major Amendment; however, minor changes may be authorized by the

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Growth Management Director when they are consistent with the revised architectural style of the development as approved herein. Prior to approval of a revised building permit, revised stamped drawings from the architect of record must be submitted;

17. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a part of this Initial and Final Residential Development Plan or as a Major Amendment to the Planned Residential Development; and,
18. The Planned Residential Development shall allow for the construction of a 49 unit townhome development and a clubhouse. The clubhouse shall be used exclusively by the tenants of the townhome development and their guests.

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.

31. 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 26, 2008 Planning Commission meeting.

32. 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

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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 26, 2008 Planning Commission meeting.

33. 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 26, 2008 Planning Commission meeting.

34. 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 SW1/4 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 SW1/4 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 26, 2008 Planning Commission to allow the applicant to submit additional information.

35. 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 SW1/4 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 SW1/4 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

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16.16 of the Rapid City Municipal Code to the June 26, 2008 Planning Commission meeting.

36. No. 08PL070 - Section 31, T2N, R7E

A request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm to consider an application for a **Layout and Preliminary Plat** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6417 South Canyon Road.

Planning Commission recommended approval of the Layout and Preliminary Plat with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to identify any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow or ponding;
2. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If the existing private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval demonstrating that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
3. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If the existing individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, construction plans for South Canyon Road shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, a lot size Variance from the Pennington County Zoning Board of Adjustment shall be obtained to allow a 1.655 acre lot and a 1.659 acre lot,

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respectively, in lieu of a minimum 40 acre lot as per the General Agriculture District or the property shall be rezoned to allow the proposed lot sizes with Pennington County;

7. Prior to Preliminary Plat approval by the City Council, a drainage plan and a grading plan as well as an erosion and sediment control plan shall be submitted for review and approval if subdivision improvements are required;
 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along South Canyon Road except for the approved approach location(s);
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along South Canyon Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
 12. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 13. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Plat of Lots 2R and 3R of SE1/4NW1/4 of Section 31, T2N, R7E (Formerly Lots 2, 3, 4, 5 and 6 less Lot H1 of SE1/4 NW1/4 of Section 31, T2N, R7E) all located in SE1/4 of NW1/4 of Section 31, T2N, R7E, BHM, Pennington County, South Dakota";
 14. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Certificates of Title for a Final Plat in lieu of the Certificates of Title for a Minor Plat;
 15. 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,
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
37. No. 08SV031 - Section 31, T2N, R7E
A request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm 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 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington

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County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6417 South Canyon Road.

Planning Commission recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along South Canyon Road as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

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

38. No. 08PL071 - H & H Estates Subdivision

A request by John D. and Diana L. Nelson to consider an application for a **Layout Plat** on Lots 1R, 2R, 4R, 5R, 6R, 7R, 8R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and 22R of Block 4, H&H Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1, 2, 4, 4a, 5, 6, 7, 8, 9, 12, 13, 16, 17, 18, 19, 20, 21 and 22 of Block 4 of H&H Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Hacienda Street and Williams Street.

Planning Commission recommended approval of the Layout Plat with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, the applicant shall submit a site plan demonstrating that no structural development exists in the easement. In particular, no fences and/or buildings may be located within the easement;**
- 2. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation demonstrating that the existing streets are currently constructed to City street design standards or construction plans shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 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 if any subdivision improvements are required;**
- 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required if any subdivision improvements are required.**

39. No. 08PL072 - Westberry Trails

A request by Sperlich Consulting, Inc. for Donnie Kirschenman to consider an application for a **Layout Plat** on Lots 1 thru 4 of Westberry Trails, formerly Tract C less Lots H1 and H2 of Westberry Trails located in the S1/2, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Tract C less Lots H1 and H2 of Westberry Trails, located in the S1/2, Section 31, T2N, R7E,

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BHM, Pennington County, South Dakota, more generally described as being located south of Nemo Road/South Canyon Road south of Wide View Drive.

Planning Commission recommended approval of the Layout Plat with the following stipulations:

- 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 71 dwelling units with one point of access in lieu of 40 dwelling units or a second point of access shall be provided;**
- 2. Upon submittal of a Preliminary Plat application, construction plans for South Canyon Road shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation verifying the right to use the existing streets within Westberry Trails for the proposed development;**
- 4. Upon submittal of a Preliminary Plat application, construction plans for Timberline Road shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 49 foot wide access and utility easement shall be submitted for review and approval. In particular, the plans shall show the street located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation showing the previously recorded wilderness trail to determine whether the trail should be improved as a part of this plat or vacated and retained as a utility easement;**
- 7. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. The plat document shall also be revised to provide utility easements as needed;**

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8. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
9. Upon submittal of a Preliminary Plat application, a Master Utility Plan shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;
10. Upon submittal of a Preliminary Plat application, topographic information at five foot contour intervals for all of the developed areas, including streets, existing and proposed building envelopes and on-site wastewater system areas, shall be submitted for review and approval;
11. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;
12. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall comply with the Drainage Criteria Manual. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;
13. Upon submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
14. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along South Canyon Road except for approved approach location(s);
15. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 10 foot wide planting screen easement along South Canyon Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
16. Upon submittal of a Preliminary Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;
17. Upon submittal of a Preliminary Plat application, a grading plan and erosion and sediment control plan shall be submitted for review and approval if subdivision improvements are required;

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18. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a street name for the proposed 49 foot wide access and utility easement;
 19. Upon submittal of a Preliminary Plat application, the plat title shall be revised to read "Lots 1 thru 4 of Tract C of Westberry Trails...";
 20. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 21. 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,
 22. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required.
40. No. 08RZ018 - Sections 14 and 23, T2N, R7E
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the SE1/4 of the NE1/4, and the NE1/4 of the SE1/4, and the SE1/4 of the SE1/4, all Section 14; and the NE1/4 of the NE1/4 of Section 23; all less the East 33 feet previously annexed and less A portion of the SE1/4 of the NE1/4, and a portion of the NE1/4 of the SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly 1/4 section corner of Section 14, T2N, R7E, BHM, common with the westerly 1/4 section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly 1/4 section corner of Section 14, T2N, R7E, BHM, common with the westerly 1/4 section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive and west of Haines Avenue.

Planning Commission recommended approval of the Rezoning from No Use District to General Agriculture District.

41. 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,

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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 26, 2008 Planning Commission meeting.

42. 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the expansion of a public building to the June 26, 2008 Planning Commission meeting.

44. No. 08SR041 - Rapid City Greenway Tract

A request by Jim Bethel for the Black Hills Area Council, Boy Scouts to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 19 less Lot H1(also in Section 35, T2N, R7E) of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between Mount Rushmore Road and West Boulevard North.

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

---END OF CONSENT CALENDAR---

43. No. 08SR040 - Robbinsdale Park Addition

A request by Black Hills Baseball Association to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Robbinsdale Park, less Lot 1, Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 E. Fairmont Boulevard.

Elkins presented the staff's recommendation to acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review.

Brown moved, Waltman seconded and unanimously carried to acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

Brown moved, Landguth seconded and unanimously carried to reconsider item 29. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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*29. No. 08PD023 - Gemstone Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Larry Petters and Tom and Erika Herd to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 12 and Lots 13A and 13B of Lot 13, all in Block 3 of Gemstone Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Shelby Avenue and Sandra Lane.

Lewis W. Rohrer, area resident, expressed his concern for the reduced setbacks of the development on the subject property.

In response to Brewer's question, Rohrer stated that the contractor accessed the subject property through his property without permission. Discussion followed.

Elkins stated that staff was made aware of the error in the issuance of a building permit with the reduced setback. Elkins commented that staff will support the setback reduction because the structures have already been constructed. Elkins further commented that staff erred in not catching the reduced setbacks when the building permit was submitted. Discussion followed.

Elkins stated that staff has initiated an additional review process for building permits for town homes. Discussion followed.

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

1. **A minimum 18 foot front yard setback shall be provided in front of each residence;**
2. **All provisions of the Low Density Residential II District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;**
3. **The proposed structures shall conform architecturally to the plans and elevations submitted;**
4. **All International Fire Codes shall be continually met;**
5. **All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual; and,**
6. **The Planned Residential Development shall allow for the construction of four townhome units on the property. Any change in use shall require a Major Amendment. In addition, the Planned Residential 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. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must

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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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that items 45, 46 and 47 be taken concurrently.

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

A request by Whittingham & LeStrange, 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.

46. 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-

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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.

*47. 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.

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

Elkins 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 26, 2008 Planning Commission meeting.

Rolinger moved, LeMay seconded and unanimously carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code and the Planned Commercial Development - Initial Development Plan to the June 26, 2008 Planning Commission meeting. (8 to 0 to 2 with Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger and Waltman voting yes and none voting no and Brewer and Scull abstaining)

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

48. No. 08AN007 - portions of Section 4, 5 and 9, T1N, R8E and Section 32 and 33, T2N, R8E

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

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including Homestead Street and Glenside Drive rights-of-way and Windhaven Drive, a private access easement; NE $\frac{1}{4}$ of Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$); Lot 5 and Lot 7 of E $\frac{1}{2}$ SE $\frac{1}{4}$; The 150 foot wide E. Highway 44 right-of-way, including Lots H-1, H-2, H-3, and H-4, all located in the E $\frac{1}{2}$ of Section 5, lying south of Lot 5 and Lot 15 Revised and Lot 17 and the west 100 feet of Lot 14, all of Hillview Subdivision, and Lot 7 of E $\frac{1}{2}$ SE $\frac{1}{4}$; all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and, The 66 foot wide Valley Drive right-of-way north of S. D. Highway 44 located in the western boundary of the W $\frac{1}{2}$ of Section 4 and the eastern boundary of the E $\frac{1}{2}$ of Section 5, all located in T1N, R8E, BHM, Pennington County, South Dakota; and, The 100 foot wide railroad right-of-way lying north of Lot D of SW $\frac{1}{4}$ SW $\frac{1}{4}$ not already located within the City of Rapid City, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and, SW $\frac{1}{4}$ of Section 33, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north and south of S.D. Highway 44 and east and west of Valley Drive.

Bulman presented staff's recommendation to recommend approval of the Resolution for Annexation.

Rolinger moved, Waltman seconded and unanimously carried to recommend approval of the Resolution of Annexation, an area of 497.279 acres more or less for annexation to the City of Rapid City, contingent on payment of the necessary reimbursement to the North Elk Fire Protection District. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

***49. No. 08PD012 - WREA Subdivision**

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lots 1 and 2 of WREA Subdivision, located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

Elkins presented the staff's recommendation to continue the Planned Industrial Development to the June 26, 2008 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

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*50. 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.

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

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

Rolinger moved, Brown seconded and unanimously carried to continue the Planned Commercial Development - Final Development Plan to the June 26, 2008 Planning Commission meeting. (9 to 0 to 1 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

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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.

*51. No. 08PD022 - Vista Lake Subdivision No.2

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4616 Jackson Boulevard.

Elkins presented the staff's recommendation to continue the Major Amendment request to the June 26, 2008 Planning Commission meeting.

Ralph Wyngarden, Faulk & Foster requested that the Major Amendment request be approved. Wyngarden stated that the improvements to the property are minimal. Wyngarden expressed his opposition to the staff's requirements for a complete site plan.

In response to Brewer's question, Elkins stated that the information Wyngarden indicated had been submitted to Vicki Fisher the previous day was not received by staff as Vicki is on vacation. Elkins stated that review of the entire site is required.

Collins moved, Landguth seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

52. No. 08PL025 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development to consider an application for a **Preliminary Plat** on Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3522 Sawgrass Court.

Elkins presented the staff's recommendation to continue the Preliminary Plat

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application to the June 26, 2008 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continued the Preliminary Plat application to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

Elkins requested that items 53 and 54 be taken concurrently.

53. 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 between Dyess Avenue and North Elk Vale Road.

54. 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 between Dyess Avenue and North Elk Vale Road.

Elkins presented the staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision requests to the June 26, 2008 Planning Commission meeting.

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

LeMay moved, Etter seconded and unanimously carried to continue the Preliminary Plat and 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

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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 26, 2008 Planning Commission meeting. (9 to 0 to 1 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

Tegethoff requested items 55 and 56 be taken concurrently

55. No. 08PL074 - Strato Rim Estates

A request by Renner & Associates for Rob Livingston to consider an application for a **Preliminary Plat** on Lots 7R and 8 of Strato Rim Estates, located in Government Lot 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Rim Drive.

56. No. 08SV032 - Strato Rim Estates

A request by Renner & Associates for Rob Livingston 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 7R and 8 of Strato Rim Estates, located in Government Lot 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Rim Drive.

Tegethoff presented the staff's recommendation to recommend approval of the Preliminary Plat and the Variance to the Subdivision Regulations requests with stipulations. Tegethoff identified the location of structures and the current and proposed access easements on the subject property.

In response to Brewer's questions, Tegethoff stated that the current easement is not paved. Tegethoff further identified the location of the existing water tower that serves the existing development. Tegethoff stated that staff recommends that the applicant provide plans identifying the construction plans to tie into the water system. Discussion followed.

Rolinger moved, Collins seconded and unanimously carried to recommend approval of the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**

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3. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
4. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. In addition, the water plans must show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. In addition, the applicant must submit documentation that the existing community water district concurs with the proposed expansion of use;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for the Strato Rim Drive cul-de-sac shall be submitted for review and approval. In particular, the road construction plans shall show the cul-de-sac constructed in a 110 foot diameter right-of-way with a minimum 96 foot diameter paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow platting of half a right-of-way;
7. Prior to Preliminary Plat approval by the City Council, road

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construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

8. Prior to Preliminary Plat approval by City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
9. Prior to Preliminary Plat approval by City Council, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
10. Prior to Preliminary Plat approval by City Council, a revised plat document shall be submitted for review and approval demonstrating a minimum of 25 feet of frontage at the right-of-way line;
11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. 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; and,
13. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

To recommend approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Strato Rim Drive as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

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

To recommend denial of the Variance to the Subdivision Regulations to waive the requirement to install water and pavement along Strato Rim Drive as per Chapter 16.16 of the Rapid City Municipal Code;

To recommend approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

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

To recommend approval of the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code; and,

To recommend denial of Variance to the Subdivision Regulations to waive the requirement to install pavement along the access easement as per Chapter 16.16 of the Rapid City Municipal Code. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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Ball requested that items 57, 58 and 59 be taken concurrently.

57. 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.

58. 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.

59. 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 July 24, 2008 Planning Commission meeting.

Collins moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review requests to allow the construction of a sign on public property to the July 24, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

60. 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 26, 2008 Planning Commission meeting.

Brown moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a parking lot to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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61. 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 26, 2008 Planning Commission meeting.

Waltman moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a public water main on public property to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

62. 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 approve the SDCL 11-6-19 Review request.

Rolinger moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the extension of a public utility. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

63. No. 08SR039 - Rapid City Airport Subdivision No. 6

A request by JMC, Inc. to consider an application for a **SDCL 11-6-19 Review to allow construction of a structure on public property** on a portion of the W1/2 of Section 17, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

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

Brown moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow construction of a structure on public property. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

64. No. 08SR042 - Schnasse Addition

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for a **SDCL 11-6-19 Review to allow the construction of a cellular**

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tower on Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 East North Street.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the June 26, 2008 Planning Commission meeting.

Ralph Wyngarden requested that the SDCL be approved. Wyngarden expressed his opposition to the staff's requirements that a complete site plan be submitted.

Elkin stated that staff supports the proposed use on the subject property; however, a complete site plan must be submitted.

In response to Brewer's question, Elkins stated that with the proposed use would require additional information to be submitted for staff review. Discussion followed.

Brewer expressed his support for the proposed use on the subject property.

Collins moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

65. No. 08SR043 - K-W Subdivision

A request by FMG, Inc. for Heinsel, LLC to consider an application for a **SDCL 11-6-19 Review to extend a public sewer main** in the Interstate 90 Right-of-Way between Lowry Lane and Elk Vale Road and a portion of Lots A and B of Lot 1 of Lot D and Lot 2 of Lot D of K-W Subdivision in the SE 1/4, Section 28, T2N, BHM, Rapid City, Pennington County, South Dakota, more generally described as the Interstate 90 Right-of-way lying between Lowry Lane and Elk Vale Road.

Dominicak presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the June 26, 2008 Planning Commission meeting.

Edward Seljeskog stated that the request is to extend sanitary sewer. Seljeskog requested clarification from staff on the information required by staff.

Dominicak identified that the Public Works Department requested the additional information. Discussion followed.

Collins moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend a public sewer main to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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*66. 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 approve the Conditional Use Permit request with stipulations.

In response to Collins questions, Elkins stated that the applicant is required to file a document stating that the garage will not be used for commercial purposes. Discussion followed.

Collins moved, Brown seconded and unanimously carried to approve the Conditional Use Permit to allow an oversize garage in a Low Density Residential Zoning District with the following stipulations:

- 1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All construction shall comply with the approved plans and elevations;**
- 3. All applicable provisions of the International Fire Code shall be continually met;**
- 4. Prior to issuance of a Building Permit, a Covenant Agreement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office;**
- 5. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence;**
- 6. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
- 7. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing the elimination of one of the driveways or an Exception shall be obtained to allow more than one driveway for a single family residence; and,**
- 8. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing paving on the first fifty feet of the driveway or a Variance from the Zoning Board of Adjustment shall be obtained to waive the requirement. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)**

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

*67. No. 08UR004 - Rapid River Subdivision

A request by Mark Kostenbauer of World Class Golf, Inc. to consider an

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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 July 10, 2008 Planning Commission meeting.

Etter moved, Collins seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the July 10, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

*68. No. 08UR005 – Original Town of Rapid City

A request by Gillian Avvampato to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 11 of Block 93 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 Saint Joseph Street.

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

Brown moved, Collins seconded and unanimously carried to deny the Conditional Use Permit to allow on-sale liquor without prejudice at the applicant's request. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

*69. No. 08UR006 – Farrar Business Park

A request by Richard Quinn to consider an application for a **Conditional Use Permit to allow a Wind Energy Conversion System in the Light Industrial Zoning District** on Lot 1R of Block 5 of Farrar Business Park, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4825 Hickock Trail.

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Tegethoff presented the staff's recommendation to approve the Conditional Use Permit request with stipulations. Tegethoff stated that the Zoning Board of Adjustment approved the reduction in setbacks. Tegethoff stated that staff has concerns with the placement of the structure in close proximity to the right-of-way. Tegethoff identified the location of the proposed structure on the subject property.

Elkins stated that when the Wind Energy Regulations were adopted, one of the standards adopted to ensure safety was requiring specific setback requirements. Elkins stated that staff has concerns with the reduction of the setback requirements.

Richard Quinn, the applicant expressed his support for the reduction in setbacks approved by the Zoning Board of Adjustment. Quinn reviewed the dimensions of the proposed structure.

Collins expressed safety concerns to the public from the propeller of the proposed structure. Discussion followed.

Rolinger expressed his support for the Wind Energy Conversion System on the subject property. Discussion followed.

Etter expressed safety concerns to the public from the propeller. Discussion followed.

Scull expressed his support for the proposed structure on the subject property.

Waltman expressed concern with safety of the product and also expressed support for the proposed structure on the subject property. Discussion followed.

Elkins commented on the safety requirements adopted by the previous Planning Commission and City Council for the wind energy conversion systems. Elkins stated that staff would support a compromise on the setbacks and height of the proposed structure. Lengthy discussion followed.

Rolinger moved, Scull seconded and carried to approve the wind energy conversion system in accordance with the variance to the required setbacks by the Zoning Board of Adjustment, the Planning Commission should approve the Conditional Use Permit with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and final approval shall be obtained prior to operation;**
- 2. The wind energy conversion system shall be setback a minimum of 33 feet from all property lines;**
- 3. In no event shall the height of the wind energy conversion system exceed 33 feet as measured from the ground to the rotor hub. Further, an exception is hereby granted allowing that there shall be no less than 27 feet between the lowest arc of the rotors of a wind energy conversion system and the ground, any portion of a structure or any tree;**

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4. No wind energy conversion system shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system;
5. Appropriate safety measures to discourage unauthorized climbing of a wind energy conversion system tower shall include either the construction of a six foot tall chain link fence with locking gate around the tower, the tower shall be constructed so that the lowest climbing access shall be at least 12 feet above the ground or a locked anti-climb device shall be installed on the tower;
6. No lighting shall be installed on the wind energy conversion system;
7. No signage shall be installed on the wind energy conversion system;
8. The parking shall continually meet the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code;
9. The landscaping shall continually meet the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code;
10. The wind energy conversion system shall meet all applicable requirements of Section 17.50.215 of the Rapid City Municipal Code and the setback requirements as approved by the Zoning Board of Adjustment;
11. The wind energy conversion system which has not been used for a period of 6 months or more shall be declared abandoned. Upon abandonment of the system, the city shall revoke the conditional use and the system shall be removed at the expense of the property owner; and,
12. The Conditional Use Permit 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. (8 to 2 with Brewer, Brown, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and Collins and Etter 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.

*70. No. 08UR007 - Devine Subdivision

A request by Heartland Entertainment, LLC to consider an application for a **Conditional Use Permit to allow on-sale liquor establishment** on Lot 1 of Devine Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 262 North Campbell Street.

Ball presented staff's recommendation to continue the Conditional Use Permit request to the June 26, 2008 Planning Commission meeting.

Collins moved, Waltman seconded and unanimously carried to continue the Conditional Use Permit to allow on-sale liquor establishment to the

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June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

*71. No. 08UR008 - Section 21, T1N, R7E

A request by A-1 Construction for William Curran to consider an application for a **Conditional Use Permit to allow the construction of an oversized garage** on Lot 24 of the NE1/4 NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3375 Corral Drive.

Ball presented the staff's recommendation to continue the Conditional Use Permit request to the June 26, 2008 Planning Commission meeting.

Brown moved, Waltman seconded and unanimously carried to continue the Conditional Use Permit to allow the construction of an oversized garage to the June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

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

72. No. 08VE012 - Dunham Estates

A request by Riss Homes for Charles E. Glood to consider an application for a **Vacation of Non-Access Easement** on Lot 6 of Block 1 of Dunham Estates, located in the NE1/4 NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Nicklaus Drive and Dunham Drive.

Elkins presented the staff's recommendation to approve the Vacation of Easement request. Discussion followed.

Rolinger moved, Scull seconded and unanimously carried to recommend approval of the Vacation of Non-Access Easement. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

73. Discussion Items

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- A. Request to allow “Doggy Daycares” in the Commercial Zoning District – Shelly Montgomery and Rhea Root.

Brewer noted that the applicant was not in attendance at the meeting.

Brown moved, Waltman seconded and unanimously carried to continue to the Request to allow “Doggy Daycares” in the Commercial Zoning District – Shelly Montgomery and Rhea Root. June 26, 2008 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

- B. **Sidewalk requirements.**

Heller presented the staff’s recommendation that the Planning Commission direct staff to prepare an Ordinance Amendment on Sidewalk requirements to bring forward to the Planning Commission for review and approval.

Brewer expressed his support for the sidewalk requirements and the proposal to consider ordinance amendments.

Rolinger moved, Collins seconded and unanimously carried to direct staff to prepare an Ordinance Amendment on sidewalk requirements. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

- C. **Recreational Adventures Co. – letter to Gary Brown dated May 13, 2008**

LeMay requested clarification on letter submitted by staff.

Elkins reviewed the letter requesting modifications to the Building Code. Elkins stated that the Code Committee is reviewing the use of camping cabins and that they be allowed as “Group U” occupancy. Elkins further commented that the Code Committee is in the process of recommending Amendments to the International Building Code to allow camping cabins and eliminating the requirement for fire sprinklers. Elkins stated that clarification of the requirements for the necessity of sidewalks within the campground and plumbing standards is needed. Elkins stated that only gas or charcoal fires are currently allowed in campgrounds. Elkins added that she has not heard from the Fire Department as to whether they would support amendments to allow wood fires.

Elkins stated that if the Planning Commission wishes to take action on this item they should act in a motion to recommend to the City Council that these revisions be considered and brought forward for their discussion. Elkins further added that because the revisions are outside of Chapter 16 and 17 and the revisions would not come back before the Planning

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Commission.

In response to Brewer's question, Elkins identified that there are approximately four existing campgrounds in the City limits.

Brown expressed his support for modifications to the Ordinance.

Brown moved, Rolinger seconded and unanimously carried to recommend to the City Council that revisions to Chapter 12.44 Travel Parks be considered and brought forward for the City Council's consideration.

74. Staff Items

- A. Elkins presented the Transportation Planning staff's recommendation to modify the Major Street Plan to create consistency with the adopted Future Land Use Plans.

Elkins requested authorization from the Planning Commission to bring forward Comprehensive Plan Amendments to correct inconsistencies between the Major Street Plan and adopted Future Land Use Plans on behalf of the City of Rapid City. Discussion followed.

Brown moved, Rolinger seconded and unanimously carried to authorize staff to bring forward Comprehensive Plan Amendments to correct inconsistencies between the Major Street Plan and the Future Land Use Plans. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

75. Planning Commission Items

76. Committee Reports

- A. City Council Report (May 19, 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

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There being no further business, Brown moved, Collins seconded and unanimously carried to adjourn the meeting at 8:48 a.m. (10 to 0 with Brewer, Brown, Collins, Etter, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)