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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 26, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Mike Derby, Frank Etter, Julie Gregg, Dennis Landguth and Karen Waltman. Ron Kroeger, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Monica Heller, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Bill Knight, Joel Landeen and Carol Campbell.

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

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

Staff requested that Items 43 and 44 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 40 and 41 be removed from the Consent Agenda for separate consideration.

Motion by Gregg, Seconded by Anderson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 55 in accordance with the staff recommendations with the exception of Items 40, 41, 43 and 44. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 5, 2008 Planning Commission Meeting Minutes.
2. No. 05VR014 - Sletten Addition
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission continued the Vacation of Section Line Highway request to the July 24, 2008 Planning Commission meeting.

3. No. 07PL134 - Hyland Crossing Subdivision

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A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed 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, 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 July 24, 2008 Planning Commission meeting.

4. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed 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, 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 July 24, 2008 Planning Commission meeting.

*5. No. 07UR015 - Huffman Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 2 of Huffman Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 E. North Street.

Planning Commission continued the Conditional Use Permit to allow an on-sale liquor establishment to the July 10, 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.

6. No. 08AN009 - Red Rock Shadows Subdivision

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

Petition for Annexation on a portion of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section $\frac{1}{4}$ Corner common to Sections 28 and 29, T1N, R7E, BHM, thence S81°22'09"W, a distance of 252.93 feet, to a point on the southerly edge of Portrush Road right-of-way, and the point of beginning; Thence, first course: S00°00'35"W, a distance of 110.00 feet; Thence, second course: N89°59'25"W, a distance of 380.64 feet; Thence, third course: N00°00'35"E, a distance of 110.00 feet, to a point on the southerly edge of Portrush Road right-of-way; Thence, fourth course: S89°59'25"E, along the southerly edge of Portrush Road right-of-way, a distance of 380.64 feet, to the point of beginning, more generally described as being located south of Portrush Road and west of Dunsmore Road.

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

7. No. 08PL089 - Red Rock Shadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 3 of Block 1 of Red Rock Shadows Subdivision, formerly a portion of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, legally described as a portion of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Portrush Road and west of Dunsmore Road.

Planning Commission recommended the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing private and public utilities, including service lines, shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
2. **Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with Drainage Criteria Manual shall be submitted for review and approval. In particular, the drainage plan shall identify that adequate conveyance and flow management facilities are designed and constructed demonstrating that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;**
3. **Prior to Preliminary Plat approval by the City Council, a grading plan for any proposed site grading shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a site plan showing future driveway locations shall be submitted for review and approval to ensure that they meet the design and separation standards as per the Street Design Criteria Manual;**
5. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if**

6. **subdivision improvements are required;**
6. **Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;**
7. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
8. **Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that "a six foot exterior maintenance easement exists on either side of the common lot line to provide adequate room for maintenance, repair and alterations";**
9. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;**
11. **Prior to any additional platting of the property, a revised Master Plan must be submitted for review and approval; and,**
12. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

8. No. 08RZ021 - Red Rock Shadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a portion of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section $\frac{1}{4}$ Corner common to Sections 28 and 29, T1N, R7E, BHM, thence S81°22'09"W, a distance of 252.93 feet, to a point on the southerly edge of Portrush Road right-of-way, and the point of beginning; Thence, first course: S00°00'35"W, a distance of 110.00 feet; Thence, second course: N89°59'25"W, a distance of 380.64 feet; Thence, third course: N00°00'35"E, a distance of 110.00 feet, to a point on the southerly edge of Portrush Road right-of-way; Thence, fourth course: S89°59'25"E, along the southerly edge of Portrush Road right-of-way, a distance of 380.64 feet, to the point of beginning, more generally described as being located south of Portrush Road and west of Dunsmore Road.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be denied without prejudice at the applicant's request.

9. No. 08CA016 – Potts Subdivision

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on 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 S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22,

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

10. No. 08CA017 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for a **Summary of Adoption Action on 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.

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

11. No. 08CA018 - BHP Addition

A request by Double RF Development Co., LLC to consider an application for a **Summary of Adoption Action on 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 approved the summary and authorized publication in the Rapid City Journal.

12. No. 08CA019 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Summary of Adoption Action on 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**

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District on a portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and a portion of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly $\frac{1}{4}$ section corner of Section 14, T2N, R7E, BHM, common with the westerly $\frac{1}{4}$ 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 $\frac{1}{4}$ section corner of Section 14, T2N, R7E, BHM, common with the westerly $\frac{1}{4}$ 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 approved the summary and authorized publication in the Rapid City Journal.

13. No. 08CA009 - Big Sky Business Park

A request by Dream Design International, Inc. to consider an application for a **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 E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, more generally described as being located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development to the July 10, 2008

Planning Commission Meeting.

14. 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 July 10, 2008 Planning Commission Meeting.

15. No. 08CA010 - F&N Subdivision

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

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public to the July 10, 2008 Planning Commission Meeting.

16. 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**

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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 July 10, 2008 Planning Commission meeting.

17. 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 July 10, 2008 Planning Commission meeting.

18. No. 08CA013 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of

DRAFT

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 July 10, 2008 Planning Commission meeting.

19. No. 08CA014 - F&N Subdivision

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

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential to the July 10, 2008 Planning Commission meeting.

20. 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 July 10, 2008 Planning Commission meeting.

21. No. 08RZ009 - F&N Subdivision

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

Planning Commission continued the Rezoning from Low Density Residential District to Public District to the July 10, 2008 Planning Commission meeting.

22. 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 southwest corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

Planning Commission continued the Rezoning from Low Density Residential District to Office Commercial District to the July 10, 2008 Planning Commission meeting.

23. No. 08RZ011 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract A of F & N Subdivision, thence S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet, to the point of beginning; Thence, first course: S89°47'42"E, along the northerly boundary of said Tract A, a distance of 701.98 feet, to section 1/16th corner; Thence, second course: S00°06'38"W, along the section 1/16th line, a distance of 537.65 feet; Thence, third course: N89°51'50"W, a distance of 98.10 feet; Thence, fourth course: curving to the left, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of S79°56'27"W, and chord distance of 141.60 feet; Thence, fifth course: S69°44'43"W, a distance of 50.69 feet; Thence, sixth course: S20°15'16"E, a distance of 5.25 feet; Thence, seventh course: curving to the right, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of S10°05'17"E, and chord distance of 101.67 feet; Thence, eighth course: S00°04'43"W, a distance of 8.38 feet, to a point on the southern boundary of said Tract A; Thence, ninth course: S89°55'23"W, along the southerly boundary of said Tract A, a distance of 29.49 feet, to the northeasterly corner of Block 2 of Neff's Subdivision No. 2; Thence, tenth course: N89°50'11"W, along the southerly boundary of said Tract A, common to the northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly corner of said Tract A, common to the northwesterly corner of said Block 2; Thence, eleventh course: N00°09'08"E, a distance of 31.62 feet; Thence, twelfth course: N20°15'16"W, a distance of 707.30 feet, to a point on the northerly boundary of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest

Drive and east of Elk Vale Road.

Planning Commission continued the Rezoning from General Agriculture District to Office Commercial District to the July 10, 2008 Planning Commission meeting.

24. No. 08RZ012 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S00°07'40"W, a distance of 25.77 feet, to the northwesterly corner of Block 12 of Big Sky Subdivision; Thence, second course: S00°07'40"W, along the westerly boundary of said Block 12, a distance of 144.58 feet; Thence, third course: S71°37'02"W, along the westerly boundary of said Block 12, common to the easterly boundary of said Tract A, a distance of 14.49 feet; Thence, fourth course: S40°22'12"E, along the westerly boundary of said Block 12, a distance of 920.50 feet; Thence, fifth course: S18°55'40"E, along the westerly boundary of said Block 12, a distance of 55.05 feet; Thence, sixth course: S22°39'24"E, along the westerly boundary of said Block 12, a distance of 54.51 feet; Thence, seventh course: S05°44'23"E, along the westerly boundary of said Block 12, a distance of 47.63 feet; Thence, eighth course: N89°57'36"E, along the westerly boundary of said Block 12, a distance of 92.82 feet, to the northwesterly corner of Lot 1 of Block 10 of Big Sky Subdivision; Thence, ninth course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 10, a distance of 115.16 feet, to the southwesterly corner of said Lot 1 of Block 10; Thence, tenth course: S00°00'05"W, a distance of 52.00 feet, to the northwesterly corner Lot 1 of Block 9 of Big Sky Subdivision; Thence, eleventh course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 9, a distance of 134.71 feet, to a point on the southwesterly corner of said Lot 1 of Block 9; Thence, twelfth course: N89°47'43"W, along the northerly boundary of Lot 31 of Degeest Subdivision, a distance of 252.04 feet, to the northwesterly corner of said Lot 31 of Degeest Subdivision; Thence, thirteenth course: N89°47'43"W, a distance of 63.00 feet, to the northeasterly boundary of Block 1 of Mack Subdivision; Thence, fourteenth course: N89°47'43"W, along the northerly boundary of said Block 1 of Mack Subdivision, a distance of 399.97 feet, to the northwesterly corner of said Block 1 of Mack Subdivision; Thence, fifteenth course: N00°12'35"E, a distance of 631.94 feet, to the northeasterly corner Block 1 of Neff's Subdivision No. 2; Thence, sixteenth course: N89°52'44"W, along the northerly boundary of said Block 1 said Neff's Subdivision No. 4, a distance of 468.56 feet, to the northwesterly corner of said Block 1 of Neff's Subdivision No. 2; Thence, seventeenth course: S89°55'24"W, a distance of 30.00 feet; Thence, eighteenth course: N00°04'43"E, a distance of 8.38 feet; Thence, nineteenth course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, twentieth course: N20°15'16"W, a distance of 5.25 feet; Thence, twenty-first course: N69°44'43"E, a distance of 50.69 feet; Thence twenty-second course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a

length of 142.35 feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, twenty-third course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, twenty-fourth course: N00°06'38"E, along the section 1/16th line, a distance of 537.65 feet, to the section 1/16th corner, common to a point on the northerly boundary of said Tract A; Thence, twenty-fifth course: S89°48'43"E, along the northerly boundary of said Tract A, a distance of 226.22 feet, to the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

Planning Commission continued the Rezoning from General Agriculture District to Low Density Residential District to the July 10, 2008 Planning Commission meeting.

25. No. 08CA020 - Silver Strike Subdivision

A request by Melanie Lien Palm to consider an application for an **Amendment to the Adopted Comprehensive plan to change the Future Land Use Plan from Light Industrial to General Commercial** on the balance of Lot 1 of Silver Strike Subdivision in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2203 Distribution Lane.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Light Industrial to General Commercial to the July 10, 2008 Planning Commission meeting.

26. No. 08RZ020 - Silver Strike Subdivision

A request by Melanie Lien Palm to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on the balance of Lot 1 of Silver Strike Subdivision in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2203 Distribution Lane.

Planning Commission continued the Rezoning from General Agriculture District to General Commercial District to the July 10, 2008 Planning Commission meeting.

27. No. 08CA021 - Section 27, T2N, R7E

A request by Advanced Engineering & Surveying and D.C. Scott Surveying, Inc. for Blu-Knu Enterprises, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan to relocate a collector street** on Lot 5 of the NW1/4 SW1/4 less Right-of-way, the balance of the SW1/4 SW1/4 less Right-of-way, Lots 1 thru 3 of Blu-Knu Subdivision, Lot DS-2 Revised of the SW1/4 SW1/4, and Lot DS-3 of the SE1/4 SW1/4 and that part of the vacation right-of-way lying south of said Lot DS-2 Revised, all located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west

side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan to relocate a collector street be approved.

28. No. 08CA022 - South Robbinsdale, US Highway 16 and Spring Creek Neighborhood Future Land Use Plans

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 realigning arterial and collector streets** in the South Robbinsdale Neighborhood Future Land Use Area which includes the area south of the section line where Fairmont Boulevard intersects with S.D. Highway 79, north of a line approximately one-half mile south of U.S. Highway 16-B, and east of U.S. Highway 16; the U.S. Highway 16 Neighborhood Future Land Use Area located north of Cathedral Drive and south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens; the Spring Creek Neighborhood Future Land Use Area located west of S.D. Highway 79 south of Catron Boulevard and north of Rapid City Area Metropolitan Planning Organization southern boundary, more generally described as being located in portions of south and southwestern Rapid City.

Planning Commission recommended that the Amendment to the Comprehensive Plan to amend the Major Street Plan by eliminating, adding, and realigning several collector and arterial streets be approved.

29. No. 08CA023 - North Rapid, Northeast and Airport Neighborhood Future Land Use Plans

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 realigning arterial and collector streets** in the North Rapid Neighborhood Future Land Use Area which includes the area south of the section line where Fairmont Boulevard intersects with S.D. Highway 79, north of a line approximately one-half mile south Interstate 90 between the hogback ridge known as "M Hill" and East North Street connecting Cambell Street to Interstate 9, and north of Omaha Street. The Northeast Neighborhood Future Land Use Area which includes the area located north of Interstate 90, east of Haines Avenue, south of the Pennington County line, and west of Elk Vale Road. The Elk Vale Road Neighborhood Future Land Use Area which includes the area south of Interstate 90, east of Cambell Street, north of S.D. Highway 44, and west of a line one-fourth of a mile east of Reservoir Road. The Airport Neighborhood Future Land Use Area which includes the area south of the first half section into Township 2 North, east of Sections 2, 11, and 14, Township 1 North Range 8 East and Section 35, Township 2 North. Range 8 East, west of the line between Range 9 East and Range 10 East which is one mile east of Caputa, and north of S.D. Highway 44, more generally described as being located in portions of north and northeastern Rapid City.

Planning Commission recommended that the Amendment to the

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Comprehensive Plan to amend the Major Street Plan by eliminating, adding, and realigning several collector and arterial streets be approved.

*30. 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.

Planning Commission continued the Major Amendment to a Planned Residential Development to the July 10, 2008 Planning Commission meeting.

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

31. No. 08PL016 - Schaeferville Subdivision

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

Planning Commission continued the Preliminary Plat to the July 24, 2008 Planning Commission meeting.

32. No. 08SV010 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the section line highway, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the July 24, 2008 Planning Commission meeting.

33. 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** for proposed Lots 12A and 12B of Block 10 of Elks Country Estates, 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.

Planning Commission recommended acknowledgment of the applicant's request that the Preliminary Plat be denied without prejudice.

34. No. 08PL030 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** for proposed 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, 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 July 10, 2008 Planning Commission meeting to allow the applicant to address outstanding issues.

35. 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** for proposed 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, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and

west of Big Sky Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code to the July 10, 2008 Planning Commission meeting.

36. No. 08PL036 - Auburn Hills Subdivision

A request by Joe Muth for Doeck, L.L.C. to consider an application for a **Layout Plat** for proposed Lot 1 of Block 10 of Auburn Hills Subdivision, 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 July 10, 2008 Planning Commission meeting.

37. No. 08PL061 - Race Track Subdivision

A request by Kadrmass, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Race Track Subdivision, 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 July 10, 2008 Planning Commission meeting.

38. No. 08SV028 - Race Track Subdivision

A request by Kadrmass, 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** for proposed Lots 1 and 2 of Race Track Subdivision, 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 16.16 of the Rapid City Municipal Code to the July 10, 2008 Planning Commission meeting.

39. No. 08PL081 - Cambell Square Addition

A request by Renner & Associates for Order of the Eagles to consider an application for a **Layout Plat** for proposed Lots 9R and 10R of Cambell Square Addition, legally described as Lots 9 and 10 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1410 Centre Street.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
2. 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;
3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat application, road construction plans for Centre Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
6. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
9. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

42. No. 08PL085 - Regional Hospital Addition

A request by Renner & Associates for Rapid City Regional Hospital to consider an application for a **Layout Plat** as proposed Lots H and I of Regional Hospital Addition, legally described as Tracts AR-1 thru AR-6, Tract B, and Tract E and a part of the unplatted portion of the SE1/4 SW1/4, Section 12, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fairmont Boulevard and Fifth Street at 353 Fairmont Boulevard.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a complete site plan showing all existing development shall be submitted for review and approval. In particular, the site plan shall show existing structures, parking, signage, landscaping, lighting, interior vehicular circulation and pedestrian walkways. In addition, the plat document shall be revised to show easements as needed;**
- 2. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
- 3. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual and a grading permit shall be submitted for review and approval if subdivision improvements are required. In addition, a grading permit and an Erosion and Sediment Control Permit for the existing rubble and dirt pile located in the southwest corner of the property shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, a drainage report shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 5. Upon submittal of a Preliminary Plat application, construction plans showing sewer along 5th Street from Fairmont Boulevard to Lot 2 of Tract C, Regional Hospital Subdivision, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, construction plans showing sewer along Elk Street from 5th Street to the Tract F of the Regional Hospital Subdivision shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Upon submittal of a Preliminary Plat application, construction plans showing a sidewalk along both sides of 3rd Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Upon submittal of a Preliminary Plat application, the plat title shall be revised to include “vacated Third Street Right-of-way” and “Tracts AR-1 thru AR-6”;**
- 9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**

11. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
12. **The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

45. No. 08PL090 - Blu-Knu Subdivision

A request by Advanced Engineering & Surveying and D.C. Scott Surveying, Inc. for Blu-Knu Enterprises, LLC to consider an application for a **Preliminary Plat** for proposed Lots 2A and 2B and Lot 3R of Blu-Knu Subdivision, legally described as Lots 2 and 3 of Blu-Knu Subdivision and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue.

Planning Commission recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector extending through the property shall be approved or the plat document shall be revised to show the street;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the elimination of the approach to Lot 2B. In addition, the approach to Lot 3R shall be relocated to provide a maximum 40 foot by 40 foot shared approach at the common lot line of Lot 2R and 3R. Approach Permit(s) shall also be obtained from the South Dakota Department of Transportation. In addition, the plat document shall be revised to show a non-access easement along Deadwood Avenue except for the approved approach location(s);**
4. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing sewer and four additional feet of pavement along Lien Street or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing property line sidewalks in lieu of curb side sidewalks along Deadwood Avenue and Lien Street or an Exception shall be obtained to allow curb side sidewalks along a commercial street as per the Street Design Criteria Manual;**
6. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow access from Deadwood Avenue in lieu of**

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Lien Street, the lesser traveled street, or access to proposed Lot 3R shall be taken from Lien Street as per the Street Design Criteria Manual. In addition, the plat document shall be revised to show a non-access easement along Deadwood Avenue as it abuts proposed Lot 3R;

7. Prior to Preliminary Plat approval by the City Council, written documentation from Qwest Communications shall be submitted identifying concurrence with vacating the previously platted utility easement located along the rear lot lines of Lot 2 and 3;
8. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
10. Prior to submittal of a Final Plat application, the previously required parking for the existing commercial use(s) shall be constructed or surety shall be posted for the improvement;
11. 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,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

46. No. 08SV035 - Blu-Knu Subdivision

A request by Advanced Engineering & Surveying and D.C. Scott Surveying, Inc. for Blu-Knu Enterprises, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 2A and 2B and Lot 3R of Blu-Knu Subdivision, legally described as Lots 2 and 3 of Blu-Knu Subdivision, and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and to reduce the pavement width from 36 feet to 32 feet along Lien Street be approved 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.

47. No. 08PL092 - Catron Crossing Subdivision

A request by Boschee Engineering for OTS Land Co., Inc. to consider an application for a **Preliminary Plat** for proposed Lot 6 of Block 5 of Catron

Crossing Subdivision, legally described as a portion of the SE1/4 SW1/4 less Stoney Creek South No. 2 Subdivision, less Lot H-3, located in the SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Overview Land and Nugget Gulch Road.

Planning Commission recommended that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 3. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;**
- 4. Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance shall be obtained;**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required; and,**
- 6. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

48. No. 08RZ019 - Original Town of Rapid City

A request by Donnie Kirschenman for Dreamdak Holdings LLC to consider an application for a **Rezoning from Park Forest District to Medium Density Residential District** on Lots 30 thru 32 of Block 119 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 815 First Street.

Planning Commission recommended that the Rezoning from Park Forest District to Medium Density Residential District be denied without prejudice at the applicant's request.

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

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

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the July 24, 2008 Planning Commission

meeting.

50. 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.

Planning Commission approved the SDCL 11-6-19 Review to allow the extension of a public water main on public property.

51. No. 08SR046 - Bradsky Subdivision No.2

A request by FMG, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to authorize the acquisition of land** on Tract 1 of Bradsky Subdivision No. 2 located in the SW1/4 of the NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Creek Drive southwest of the intersection of Creek Drive and Centre Street and east of Cambell Street.

Planning Commission approved the SDCL 11-6-19 Review to authorize the acquisition of land.

52. No. 08SR047 - Section 19, T1N, R8E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way** on Lot H2 in the E1/2 NW1/4 less the MJK Subdivision of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of S.D. Highway 79 and East Catron Boulevard.

Planning Commission approved the SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way.

53. No. 08SR048 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of property** on Tract NW 66 less Lot H1 and Lot H2, the balance of Lots 12 thru 16 less Lot H 1 of Lot 16 and the north 10 feet of vacated alley adjacent to Lots 12 thru 16 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 308 Fifth Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the acquisition of property.

*54. 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.

Planning Commission approved the Conditional Use Permit to allow the construction of an oversized garage with the following stipulations:

1. **Prior to the issuance of a building permit the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes;**
2. **Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **All applicable provisions of the current accepted International Fire Code shall be continually met;**
4. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
5. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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.

55. No. 08VE005 - Limestone Subdivision

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

Planning Commission continued the Vacation of Access Easement to the July 24, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

Items 40 and 41 were taken concurrently.

40. No. 08PL084 - S and S Subdivision

A request by Fisk Land Surveying & Consulting Engineers Inc. for James Steele to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of S and S Subdivision, legally described as the SE1/4 SE1/4 SE1/4 less Lot H-1 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Sun Ridge Road.

41. No. 08SV033 - S and S Subdivision

A request by Fisk Land Surveying & Consulting Engineers Inc. for James Steele to consider an application for a **Variance to the Subdivision Regulations to**

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waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code for proposed Lots 1 and 2 of S and S Subdivision, legally described as the SE1/4 SE1/4 less Lot H-1 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Sun Ridge Road.

Dave England, an adjacent property owner expressed concerns with further development without the benefit of access for emergency vehicles. England commented that there have been no improvements to the subject property.

Elkins stated that there is surety posted on the subject property for improvements. Elkins added that within the surety period there is nothing the City can do to require the improvements to be completed earlier. Discussion followed.

In response to Brewer's question, England stated that the current road surface has a chip and seal surface. Discussion followed.

Tegethoff presented the location of the subject property. Tegethoff further identified the location of the proposed access to the proposed development. Discussion followed.

Elkins stated that the applicant is proposing to create one additional lot. Elkins added that an exception has been granted to allow 44 lots. Lengthy discussion followed.

In response to Anderson's question, Elkins stated that one additional lot is being created. Discussion followed.

In response to Landguth's question, Elkins stated that there is no recourse at this time to require the owner to develop the secondary access to the west as the exception has been granted. Elkins further added that the application is a Layout Plat and that specific development requirements can be required at the time the Preliminary Plat is filed.

Janelle Finck, Fisk Land Surveying, identified the lots owned by the applicant and the adjacent property owners. Finck identified the location of the platted lots. Finck stated that the adjacent property owner has a bond in place to guarantee that the road will be constructed as required. Finck requested that the Planning Commission approve the Layout Plat requested by Mr. Steele. Discussion followed.

Discussion followed regarding construction of a temporary turnaround for emergency vehicles.

Finck requested that the Planning Commission approve the Layout Plat and the Variance to the Subdivision Regulations requests. Discussion followed.

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In response to Derby's question, Bosworth stated that the required silt fences have not been installed and that the applicant has been advised to install the silt fence within one week of notification. Discussion followed.

Anderson moved, Landguth seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Codeto the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

Elkins requested that items 43 and 44 be taken concurrently.

43. No. 08PL088 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Preliminary Plat** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of U.S. Highway 16 adjacent to Tower Road and east of Sandstone Lane.

44. No. 08SV034 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of U.S.Highway 16 adjacent to Tower Road and east of Sandstone Lane.

Elkins requested that the Preliminary Plat and the Variance to the Subdivision Regulations requests be continued to the July 10, 2008 Planning Commission meeting.

Waltman moved, Gregg seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16 to the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*56. No. 07PD102 - Kashmir Subdivision

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

Bulman presented the staff's recommendation to continue the Planned Commercial Development request to the July 10, 2008 Planning Commission meeting.

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

Gregg moved, Waltman seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the July 10, 2008 Planning Commission meeting. (6 to 0 to 1 with Anderson, Brewer, Etter, Gregg, Landguth and Waltman voting yes and none voting no and Derby abstaining)

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

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

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

A request by Whittingham & LeStrange, LPI to consider an application for a **Preliminary Plat** for proposed 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; 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.

58. 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 for proposed 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; 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.

*59. No. 08PD007 - Tower Ridge Subdivision

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

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

Fisher presented the staff's recommendation to continue the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial Development requests to the July 24, 2008 Planning Commission meeting.

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

Landguth moved, Anderson seconded and carried 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 July 24, 2008 Planning Commission meeting. (6 to 0 to 1 with Anderson, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no and Brewer 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.

*60. No. 08PD012 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 1 and 2 of WREA Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44 and 3454 Twilight Drive.

Fisher presented the staff's recommendation to continue the Planned Industrial Development request to the July 10, 2008 Planning Commission meeting.

Waltman moved, Gregg seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson,

Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

Fisher requested that items 61, 62 and 63 be taken concurrently.

*61. 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.

62. No. 08PL066 - The Gateway Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 4 thru 6, Forefather Flats Subdivision, 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.

63. 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 for proposed Lots 4 thru 6, Forefather Flats Subdivision, 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.

Fisher presented the Planned Commercial Development, the Preliminary Plat and the Variance to the Subdivision Regulations requests. Fisher added that staff recommends that the Preliminary Plat and the Variance to the Subdivision Regulations requests be approved with stipulations.

Fisher stated that staff requests that the applicant provide similar elevations as required on similar planned developments in the area. Fisher requested that the applicant modify the carwash elevations to include stone features. Fisher stated that staff recommends that the applicant provide modified elevations for review and approval.

Fisher stated that staff recommends that the Planned Development be continued to the July 10, 2008 Planning Commission meeting.

In response to Brewer's questions, Elkins noted that the Covenant Agreement provides for developer's participation in the costs of constructing two additional lanes on Mall Drive.

Mary Foley, Sam's Club, presented the elevations submitted for the proposed development. Foley requested that the Planning Commission consider and approve the proposed elevations. Discussion followed.

In response to Derby's questions, Foley expressed her opinion that the roof top would not be visible from the Interstate at that location.

Elkins stated that the staff has concern with the visibility of the roof from other higher access points south. Elkins further commented that staff has been consistent with the requirement of the application of a tan roof rather than a white application.

In response to Anderson's questions, Elkins stated that the sewer is in place and the lift station is adequate to support this development and the capacity question will be addressed as each phase of the development proceeds. Elkins stated that storm water is a concern for staff particularly in light of the recent rain and has been addressed. Elkins stated that roadway improvements have been addressed. Elkins further added that from staff's perspective the provision of adequate infrastructure has been addressed.

Brewer expressed his support for increasing the energy efficiency of the proposed development.

Joe Feldman, BFA, Engineering Consultant, expressed his opinion that the applicant is willing work with staff on additional requirements. Discussion followed.

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

Derby moved, Landguth seconded and carried to continue the Planned Commercial Development - Final Development Plan to the July 10, 2008 Planning Commission meeting. (6 to 0 to 1 with Anderson, Brewer, Derby, Etter, Gregg and Landguth voting yes and none voting no and Waltman abstaining)

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

Anderson moved, Etter seconded and carried to recommend that the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Approach No. 3 and the proposed access easement extending south from Approach No. 3 to Lot 4. In addition, construction plans for the access easement shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the Master Plan shall be revised to show the access aisle located on Lot 4 that aligns with Approach No. 3 with a minimum width of 26 feet in order to accommodate two-way traffic. In addition, the parking layout shall be revised to allow two-way angled parking and/or 90 degree parking in lieu of one-way angled parking along this access aisle as currently proposed;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive shall be submitted for review and approval showing a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, road**

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- construction plans for Interstate 90 shall be submitted for review and approval. In particular, the plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for Beale Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, construction plans for the access easement extending south from Approach No. 2 and along the south lot line of proposed Lots 5 and 6 shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement and constructed with street light conduit, curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained. In addition, a miscellaneous document shall be recorded at the Register of Deed's Office for that portion of the access easement(s) located outside the boundary of the plat. In addition, a copy of the recorded document shall be submitted to the Growth Management Department;
 8. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City identifying the timing of street improvements along E. Mall Drive;
 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of E. Mall Drive be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Beale Street be approved 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;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along

Interstate 90 be approved 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;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet be approved with the following stipulation:

1. Lighting shall be provided throughout the parking lot and along the access easement as needed and utilities shall be extended to serve the property as per the Final Commercial Development Plan; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the north/south leg of the access easements extending south from Mall Drive at Approach No. 2 and Approach No. 3 be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the east/west leg of the access easement extending through Lot 6 shall be approved with the following stipulation:

1. That a sidewalk shall be provided along the north side of the access easement. (6 to 0 to 1 with Anderson, Brewer, Derby, Etter, Gregg and Landguth voting yes and none voting no and Waltman abstaining)

64. 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 July 10, 2008 Planning Commission meeting.

Gregg moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a parking lot extension to the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

65. 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 detention facility** on Lot 1 of Block 1 of South Creek Industrial Park, located in the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2317 Creek Drive.

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

Anderson left the meeting at this time.

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Etter moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the expansion of a detention facility. (6 to 0 with Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

66. 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 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 July 10, 2008 Planning Commission meeting.

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

Anderson returned to the meeting at this time.

67. 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** on 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 being located on the Interstate 90 Right-of-way between Lowry Lane and Elk Vale Road.

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

Etter moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a public sewer main. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

68. No. 08SR044 - Sections 15 and 22, T1N, R8E

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main** on the E1/2 SE1/4, Section 15 and the NE1/4 NE1/4, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Reservoir Road and south of the intersection of Reservoir Road and East Highway 44 approximately 2.1 miles.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the July 10, 2008 Planning Commission meeting.

Landguth moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a water main to the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

69. No. 08SR045 - Rapid City Greenway Tract

A request by Story Book Island, Inc. to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Tract 8 (also in Sections 4 and 10, T1N, R7E) of the Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1301 Sheridan Lake Road.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the July 10, 2008 Planning Commission meeting.

In response to Brewer's question, Ball stated that the applicant has indicated that they were unaware that a SDCL 11-6-19 Review request was required. Discussion followed.

Gregg moved, Anderson seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a structure on public property to the July 10, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

*70. No. 08UR007 - Devine Subdivision

A request by Heartland Entertainment, LLC to consider an application for a **Conditional Use Permit to allow an 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 the staff's recommendation to approve the Conditional Use Permit request with stipulations.

Landguth moved, Derby seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

- 1. A minimum of 35,007 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 2. A minimum of 67 parking spaces shall be provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "Van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 3. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;**

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4. **All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
5. **The on-sale liquor establishment shall be for on-sale beer in conjunction with a NASCAR simulator business only. Any change in use shall require a Major Amendment to the Conditional Use Permit;**
6. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth 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. Discussion Items

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

Elkins noted that the applicant was not present and requested direction from the Planning Commission as to what action they wished to take on the request. Discussion followed.

Landguth moved, Waltman seconded to continue the Request to allow "Doggy Daycares" in the Commercial Zoning District – Shelly Montgomery and Rhea Root to the July 10, 2008 Planning Commission meeting.

Substitute motion by Landguth, seconded by Gregg to table the Request to allow "Doggy Daycares" in the Commercial Zoning District – Shelly Montgomery and Rhea Root. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

- B. Final Report of the Floodplain Development Policy Committee.

Elkins presented the Floodplain Development Final Report.

Brewer expressed his support for the Floodplain Development Policy Committee's Final Report and appreciation to staff for their work on this study. Brewer added that the light poles at Roosevelt Park need to be addressed.

Waltman requested that further consideration be given to property in the Flood Fringe. Waltman further suggested that a community education

program be implemented.

In response to Landguth's question, Elkins stated that the Parks and Recreation Director requested funding for the management plan.

Brewer commented on information provided by the Friends of the Creek regarding landscaping along the creek and the possible negative effects to the water flow.

Anderson expressed his concern for the continued construction of recreational structures in the floodplain. Discussion followed.

Derby expressed his support for clarification of the 100 year and 500 year floodplain. Discussion followed.

Landguth moved, Waltman seconded and unanimously carried to recommend that the Floodplain Development Final Report be approved. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

Anderson moved, Landguth seconded and unanimously carried to reopen Item 54. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

*54. 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.

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

William Curran requested that the Planning Commission approve the Conditional Use Permit request.

Anderson moved, Waltman seconded and unanimously carried to approve the Conditional Use Permit to allow the construction of an oversized garage with the following stipulations:

- 1. Prior to the issuance of a building permit the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes;**
- 2. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. All applicable provisions of the current accepted International Fire Code shall be continually met;**
- 4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**

5. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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.

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

Landeen requested that the Ex-parte Communications Policy Report be continued to the July 24, 2008 Planning Commission meeting.

Anderson moved, Gregg seconded and unanimously carried to continue the Ex-parte Communications Policy Report be continued to the July 24, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

- D. Building Height Requirements.

Elkins presented the staff's recommendation to continue the Building Height Requirements to the July 24, 2008 Planning Commission meeting.

Waltman moved, Gregg seconded and unanimously carried to continue the Building Height Requirements to the July 24, 2008 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

72. Staff Items

Elkins thanked Mike LeMay and Barb Collins for their contribution to the Planning Commission.

73. Planning Commission Items

- A. Election of Officers.

Brewer requested nominations for the Planning Commission officers.

Landguth moved, Anderson and carried to elect Mike Derby as Planning Commission Chairperson. (6 to 0 with Anderson, Brewer, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

Landguth moved, Derby seconded and carried to elect Karen Waltman as Planning Commission Vice-Chairperson. (6 to 0 with

Anderson, Brewer, Derby, Etter, Gregg and Landguth voting yes and none voting no)

Gregg moved, Landguth seconded and carried to elect Peter Anderson as Planning Commission Secretary. (6 to 0 with Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)

74. Committee Reports

- A. City Council Report (June 2, 2008)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Anderson moved, Derby seconded and unanimously carried to adjourn the meeting at 8:46 a.m. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no)