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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 10, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Dennis Landguth, Linda Marchand, Steve Rolinger, Andrew Scull and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

Derby called the meeting to order at 7:03 a.m.

Derby presented Brewer with an award for appreciation for service as Planning Commission Chairman.

Derby introduced Thomas Hennies and Linda Marchand as new Planning Commission members.

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

Staff requested that Items 26 and 27 be removed from the Consent Agenda for separate consideration.

Derby requested that Items 15 and 16 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 39 in accordance with the staff recommendations with the exception of Items 15, 16, 26 and 27. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 26, 2008 Planning Commission Meeting Minutes.
- *2. 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

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on-sale liquor establishment to the July 24, 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.

3. No. 08CA009 - Big Sky Business Park

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

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development to the July 24, 2008 Planning Commission Meeting to allow the applicant to submit additional information.

4. 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

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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 24, 2008 Planning Commission Meeting.

5. 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 24, 2008 Planning Commission Meeting.

6. No. 08CA011 - F&N Subdivision

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

Planning Commission continued the Amendment to the Comprehensive Plan to change the future land use designation from Office Commercial to

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Public to the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 24, 2008 Planning Commission meeting.

8. No. 08CA013 - F&N Subdivision

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

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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 24, 2008 Planning Commission meeting.

9. 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 24, 2008 Planning Commission meeting.

10. 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

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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 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

11. 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 24, 2008 Planning Commission meeting.

12. No. 08RZ010 - F&N Subdivision

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

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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 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

13. 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 24, 2008 Planning Commission meeting.

14. 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,

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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.

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Planning Commission continued the Rezoning from General Agriculture District to Low Density Residential District to the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 08OA003 – Ordinance Amendment

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

Planning Commission continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the July 24, 2008 Planning Commission meeting.

*18. 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 24, 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.

*19. No. 08PD027 - Sundial Square

A request by City of Rapid City and Rapid Creek Partners c/o Triad Development to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 1, B and C of Sundial Square, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 102 Waterloo Street.

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

1. **A minimum of 165,602 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance and the revised landscape plan. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
2. **The currently adopted International Fire Code shall be continually met;**
3. **All applicable stipulations of the previously approved Initial and Final**

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- Planned Residential Developments shall be continually met; and ,
4. The Major Amendment to a Planned Residential Development for phase one shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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.

*20. No. 08PD028 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a tract of land located in the SE¼ NW¼ and the NE¼ SW¼ of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield

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Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 1 degree, 25 minutes 51 seconds, an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south one-quarter (1/4) section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said one-quarter (1/4) section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said one-quarter (1/4) section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said one-quarter (1/4) section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said one-quarter (1/4) section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39' 36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat

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recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning; and less, A tract of land located in the SE¼ NW¼ and the NE¼ SW¼, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 4.23 feet more or less, to the point of beginning; thence, continuing southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 59.06 feet more or less, to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet more or less; thence, N15°55'14"E, a distance of 104.91 feet more or less; thence, N74°04'46"W, a distance of 45.00 feet more or less;

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thence, N15°55'14"E, a distance of 160.58 feet more or less; thence, S76°13'24"E, a distance of 120.24 feet more or less; thence, S78°04'22"E, a distance of 59.02 feet more or less; thence, N13°46'36"E, a distance of 98.10 feet more or less; thence, N76°13'24"W, a distance of 13.77 feet more or less; thence, N13°46'36"E, a distance of 52.00 feet more or less; thence, S76°13'24"E, a distance of 5.67 feet more or less; thence, N13°46'36"E, a distance of 80.12 feet more or less; thence, N00°35'05"E, a distance of 68.76 feet more or less; thence, N00°00'00"W, a distance of 83.80 feet more or less; thence, S90°00'00"W, a distance of 0.65 feet more or less; thence, N00°00'00"W, a distance of 52.00 feet more or less; thence, N90°00'00"E, a distance of 18.65 feet more or less; thence, N00°00'00"W, a distance of 200.26 feet more or less; thence, S90°00'00"W, a distance of 20.17 feet more or less; thence, N00°00'00"W, a distance of 52.00 feet more or less; thence, N90°00'00"E, a distance of 2.17 feet more or less; thence, N00°00'00"W, a distance of 455.50 feet more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet more or less; thence, N00°00'00"W, a distance of 15.20 feet more or less; thence, N90°00'00"E, a distance of 52.00 feet more or less; thence, S00°00'00"E, a distance of 15.13 feet more or less; thence, S45°00'00"E, a distance of 14.14 feet more or less; thence, N90°00'00"E, a distance of 142.69 feet more or less, to a point on the north/south one-quarter (1/4) section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said one-quarter (1/4) section line, S00°05'16"E, a distance of 76.00 feet more or less; thence, S90°00'00"W, a distance of 142.81 feet more or less; thence, S45°00'00"W, a distance of 14.14 feet more or less; thence, S00°00'00"E, a distance of 828.74 feet more or less; thence, curving southwesterly to the right on a curve with a radius of 826.00 feet, a delta of 13°46'36", an arc length of 198.61 feet, and a chord bearing of S06°53'18"W and chord distance of 198.13 feet more or less; thence, S13°46'36"W, a distance of 40.75 feet more or less; thence, curving southwesterly to the left on a curve with a radius of 774.00 feet, a delta of 13°46'36", an arc length of 186.11 feet, and a chord bearing of South 06 degrees 53 minutes 18 seconds West and chord distance of 185.66 feet more or less; thence S00°00'00"E, a distance of 124.86 feet more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive; Rapid Valley Water Tank.

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council to insure that all infrastructure improvements have been addressed. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed**

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- and approved to insure that all right(s)-of-way have been dedicated;
3. Prior to issuance of a building permit, the applicant shall enter into a cost sharing agreement with the City for the off-site sewer improvements needed to serve the proposed development. In addition, prior to issuance of a Certificate of Occupancy, the sanitary sewer system shall be in place to serve the development;
 4. Prior to issuance of a building permit, the Rocky Mountain Pipeline shall be relocated;
 5. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot setback shall be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. In addition, a minimum 25 foot rear yard setback shall be provided;
 6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
 7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
 8. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;
 9. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
 10. A one year time extension for the Planned Residential Development may be granted upon written request to the Growth Management Director if submitted prior to the Final Development Plan approval expiration date.

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

21. No. 08PL098 - Homestead Plaza Subdivision
A request by Dream Design International Inc. to consider an application for a Preliminary Plat for proposed Lots 29 thru 33 of Block 3 of Homestead Plaza

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

Planning Commission continued the Preliminary Plat to the August 21, 2008 Planning Commission meeting.

22. No. 08PL099 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the August 21, 2008 Planning Commission meeting.

23. 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, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

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

24. No. 08PL061 - Race Track Subdivision

A request by Kadrmas, 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, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Layout Plat to the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional

information.

25. No. 08SV028 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Race Track Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the July 24, 2008 Planning Commission meeting.

28. No. 08RZ022 - Sections 15 and 22, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on an unplatted parcel of land located in the NW1/4 SW1/4, W1/2 W1/2 NE1/4 SW1/4, S1/2 SW1/4, E1/2 SE1/4 NE1/4 south of South Dakota Highway 44, the E1/2 E1/2 SE1/4, Section 15, and the N1/2 N1/2, S1/2 NW1/4, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of East S.D. Highway 44 between the western terminus of Green Valley Drive and east of Jolly Lane.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.

29. No. 08RZ023 - Prairie Hills Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 1A of Lot 1 Revised of Prairie Hills Subdivision and the 50 foot Section Line Right-of-way called Maple Avenue lying west of and adjacent to Lot 1A of Lot 1 Revised of Prairie Hills Subdivision, all in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 East Mall Drive.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation.

30. No. 08RZ025 - Red Rock Shadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential II District** on a

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portion of NE¼ of the SE¼ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section ¼ 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 Low Density Residential II District be approved in conjunction with a Planned Development Designation.

31. 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.

Planning Commission approved the SDCL 11-6-19 Review to allow a parking lot extension.

32. 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a water main to the July 24, 2008 Planning Commission meeting.

33. No. 08SR051 - Wises Addition

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 1 thru 17 and vacated alley adjacent to said Lots of Block 13 of Wises Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 305 East Adams Street.

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

34. No. 08SR052 - Robbinsdale Addition No. 8

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A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 3 of Block 8 of Robbinsdale Addition No. 8, located in the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 623 East Centennial.

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

35. No. 08SR053 - Robbinsdale Addition No. 8

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 14 of Block 6 of Robbinsdale Addition No. 8, located in the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3717 Ivy Avenue.

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

36. No. 08SR054 - Robbinsdale Addition No. 8

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 30 of Block 10 of Robbinsdale Addition No. 8, located in the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3616 Ivy Avenue.

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

37. No. 08SR055 - Robbinsdale Addition No. 8

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 2 of Block 7 of Robbinsdale Addition No. 8, located in the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 849 Sycamore.

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

38. No. 08SR056 - Robbinsdale Addition No. 8

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 12 of Block 13 of Robbinsdale Addition No. 8, located in the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 929 East Sycamore St.

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

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*39. No. 08UR009 - Amelia Subdivision

A request by Haugo Broadcasting, Inc. to consider an application for a **Conditional Use Permit to allow a radio station** on Lot A of Amelia Subdivision, located in the SW1/4 SE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3601 Canyon Lake Drive.

Planning Commission approved the Conditional Use Permit to allow a radio station with the following stipulations:

1. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
2. **The landscaping plan shall continually comply with the Zoning Ordinance and the approved landscaping plan;**
3. **All applications of the currently adopted International Fire Code shall be continually met;**
4. **Prior to occupancy the applicant shall obtain a Certificate of Occupancy;**
5. **Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval; and,**
6. **Any addition of signage to the property in the future will require a major amendment to the Conditional Use Permit;**
7. **Prior to installation of the satellite dish a building permit must be obtained; and,**
8. **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.**

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.

---END OF CONSENT CALENDAR---

Derby requested that items 15 and 16 be taken concurrently.

15. No. 08CA024 - W-Y Addition

A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky at Atlantis, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial** on a portion of Tract E of W-Y Addition located in the W½ SW¼, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed

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December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 03°16'03", an arc length of 323.90 feet, and a chord bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning, more generally described as being located south of 4301 South Interstate 90 Service Road.

16. No. 08RZ024 - W-Y Addition

A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky at Atlantis, LLC to consider an application for a **Rezoning from No Use District to General Commercial District** on a portion of Tract E of W-Y Addition located in the W½ SW¼, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 03°16'03", an arc length of 323.90 feet, and a chord

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bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning, more generally described as being located south of 4301 South Interstate 90 Service Road.

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

Brown moved, Waltman seconded and carried to recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial and that the Rezoning from No Use District to General Commercial District be approved. (9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Derby abstaining)

Elkins requested that items 26 and 27 be taken concurrently.

26. 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 located in the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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.

27. 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 located in the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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.

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

Brewer moved, Landguth seconded and unanimously carried to continue that the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16; and, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson,

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Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*40. No. 07PD102 - Kashmir Subdivision

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

Bulman presented the staff's recommendation to continue the Planned Commercial Development request to the August 7, 2008 Planning Commission meeting.

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

Richard Tupper, area resident, requested that the Planning Commission continue the Planned Commercial Development request to the first Planning Commission meeting in September.

Scull asked if the August 21, 2008 Planning Commission meeting would be acceptable to the audience and the applicant.

Derby stated that he would agree to the August 21, 2008 Planning Commission meeting.

Elkins stated that Derby must agree to sign a time waiver to allow the Planned Development request to be continued.

Derby stated that he would sign the time waiver.

Scull moved, Rolinger seconded and unanimously carried to continue the Planned Commercial Development - Initial Development Plan to the August 21, 2008 Planning Commission meeting. (9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, Rolinger, Scull 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.

Elkins requested that items 41 and 42 be taken concurrently.

41. No. 08CA020 - Silver Strike Subdivision

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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.

42. 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.

Elkins presented the staff's recommendation to continue the Comprehensive Plan Amendment and the Rezoning requests to the July 24, 2008 Planning Commission meeting.

Hennies moved, Brown seconded and unanimously carried to continue the Amendment to the Adopted Comprehensive plan to change the Future Land Use Plan from Light Industrial to General Commercial and the Rezoning from General Agriculture District to General Commercial District to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

43. No. 08OA004 – Ordinance Amendment

A request by Kathryn Webb to consider an application for an **Ordinance Amendment to add a definition of vertical axis wind turbines by amending Chapter 17.04, to add vertical axis wind turbines as a Conditional Use in the Medium Density Residential Zoning District by amending Chapter 17.12.030, and to add vertical axis wind turbines as an accessory use by amending Chapter 17.50.**

Heller presented the staff's recommendation to approve the Ordinance Amendment to allow wind turbines in the Medium Density Residential Zoning District.

Carol Merwin, Rapid City resident, expressed her support for the Ordinance Amendment to allow wind turbines.

Heller identified the proposed modifications to the Ordinance to allow wind turbines.

In response to Hennies' question, Heller commented that the maximum height requirement would include an existing structure.

In response to Brewer's question, Heller stated that noise limitations are addressed in the proposed Ordinance.

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In response to Scull's question, Heller stated that the Ordinance is specific to the Medium Density Residential zoning district.

In response to Anderson's question, Heller stated that the requirement for maintenance would be enforced through the Conditional Use Permit. Discussion followed.

In response to Derby's question, Heller stated that a wind study would be up to the applicant. Elkins stated that staff supports the Ordinance Amendments as a pilot project to see if the facilities are feasible for individual use. Discussion followed.

Lisa Grant, Rapid City resident, expressed her support for the Ordinance Amendment to allow wind turbines in the Residential Zoning District.

Mark Holstein, Rapid City resident, expressed support for the vertical wind turbines and the proposed Ordinance Amendments.

In response to Waltman's questions, Holstein reviewed the longevity and structural integrity of the wind turbines.

Kathryn Webb, the applicant, expressed her support for the proposed Ordinance Amendments to allow wind turbines in the Medium Density Residential Zoning District. Webb presented information on different types of wind turbines.

Rolinger left the meeting at this time.

Brown moved, Waltman seconded and unanimously carried to recommend that the Ordinance Amendments to add a definition of vertical axis wind turbines by adding Chapter 17.04.743, to add vertical axis wind turbines as a Conditional Use in the Medium Density Residential Zoning District by amending Chapter 17.12.030, and to add standards for vertical axis wind turbines as an accessory use by adding Chapter 17.50.217 be approved. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

44. No. 08OA005 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to revise the sidewalk requirements by amending Chapters 12.16.080.**

Rolinger returned to the meeting at this time.

Heller presented the staff's recommendation to approve the proposed Ordinance Amendment. Heller reviewed the allowed exceptions to the construction of sidewalks in the proposed Ordinance.

In response to Anderson's question, Heller stated that existing properties would

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not be required to install sidewalk unless they developed the property.

In response to Derby's question, Dominicak stated that an exception would not be automatic for a 12 percent or greater grade. Discussion followed

Hennies moved, Gregg seconded and unanimously carried to recommend that the Ordinance Amendment to revise the sidewalk requirements by amending Chapter 12.16.080 be approved. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

*45. 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 24, 2008 Planning Commission meeting.

Brown moved, Landguth seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

*46. 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

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arch length of 123.25 feet, a chord bearing of N82°24'59"E and a chord distance of 122.89 feet to a point; thence S89°59'55"E 364.93 feet to a point at the Southwest corner of Lot 1 of said subdivision; thence along the South line of said Lot 1 N90°00'00"E 125.18 feet to the point of beginning containing 13.03 acres; and, Commencing at the Northwest corner of Lot 1 of Forefather Flats Subdivision, said point also being a point on the South Right-of-Way line of East Mall Drive, thence along said South Right-of-Way S89°53'22"W 634.76 feet to the point of beginning; thence leaving said South Right-of-Way line S00°00'05"W 186.71 feet to a point; thence S15°10'08" E 48.64 feet to a point; thence S74°49'52" W 34.00 feet to a point; thence N15°10'08"W 14.00 feet to a point; thence S74°49'52"W 70.55 feet to a point; thence N89°59'55"W 91.82 feet to a point; thence on a curve deflecting to the right having a radius of 30.00 feet, an arc length of 47.12 feet, a chord bearing of N44°59'55"W and a chord distance of 42.43 feet to a point, thence N00°00'05"E 180.54 feet to a point; thence on a curve deflecting to the right having a radius of 50.00 feet, an arc length of 41.04 feet, a chord bearing of N23°31'04"E and a chord distance of 39.90 feet to a point on the South Right-of-Way line of East Mall Drive, thence along said Right-of-Way line N89°53'22"E 197.74 feet to the point of beginning, containing 1.19 acres, more generally described as being located north of Interstate 90 and south of East Mall Drive.

Fisher presented the staff's recommendation to continue the Planned Commercial Development request to the July 24, 2008 Planning Commission meeting.

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

Gregg moved, Brown seconded and unanimously carried to continue the Planned Commercial Development - Final Development Plan to the July 24, 2008 Planning Commission meeting. (9 to 0 to 1 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

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

*47. No. 08PD029 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the SE¼ NW¼ of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting there from Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Lot 3 (also known as Government Lot 3) of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and A parcel of land located in the NE¼ SW¼ of Section 4, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Beginning at the center one quarter corner of said Section 4, said point being on the westerly line of the Drainage Right-of-

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way of Block 1 of Rushmore Regional Industrial Park, as shown on the plat filed on September 4, 1974 and recorded in Book 13 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°05'03"E, a distance of 271.44 feet, more or less, to a point marked by a rebar with surveyor cap "Hanson 6251" thence, continuing south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°03'43"E, a distance of 781.29 feet, more or less, to a point marked by a rebar with surveyor cap "RW FISK 6565"; thence, S89°47'47"W, a distance of 303.32 feet, more or less, to a point on the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat filed on April 22, 1988 and recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the said east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet to the northeast corner of said Lot 17, said point being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less to the northeast corner of said Lot 18, said point being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less to the northeast corner of said Lot 19, said point being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 20 in Block One 1 of Copperfield Subdivision, and along the east lines of Lots 21, 22 and 23 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and along the easterly line of Lot 24 in Block 1 of Copperfield Subdivision, as shown on the plat filed on June 12, 1989 and recorded in Book 22 of Plats on page 195, N27°11'29"E, a distance of 364.58 feet, more or less, to the northeast corner of said Lot 24, said point being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less to the northeast corner of said Lot 25, said point being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 26 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 27 and 28 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, N02°40'24"E, a distance of 239.67 feet, more or less, to the northeast corner of said Lot 28,

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and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said point being coincident with the northeasterly terminus of Copperfield Drive right-of-way, and said point being marked by a 5/8 inch rebar; thence, southwesterly along the northern terminus line of Copperfield Drive right-of-way, as shown on said plat recorded in Book 22 of Plats on Page 195, S71°30'56"W, a distance of 63.28 feet, more or less to the northwest terminus of said Copperfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 7 in Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of

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Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the ¼ section line and the northwest corner of the NE¼ SW¼ of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the ¼ section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning, less a parcel of land located in Government Lot 3, of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the north 1/4 corner of said Section 4, said corner being marked with a GLO Brass Cap; thence, southerly along the 1/4 section line, S00°05'16"E, a distance of 512.09 feet, more or less; thence, S89°54'44"W, a distance of 193.07 feet, more or less; thence, curving southwest to the left on a curve with a radius of 326.00 feet, a delta of 15°03'07", an arc length of 85.64 feet, and a chord bearing of S07°28'00"W and a chord distance of 85.40 feet; thence, S00°03'34"E, a distance of 108.52 feet, more or less; thence, S89°50'20"W, a distance of 968.82 feet, more or less; thence, N00°00'48"W, a distance of 181.83 feet, more or less; thence, curving northwest to the left on a curve with a radius of 226.00 feet, a delta of 00°42'26", an arc length of 2.79 feet, and a chord bearing of N00°22'01"W and a chord distance of 2.79 feet; thence, S89°53'30"W, a distance of 151.98 feet, more or less, to a point located on the west 1/16th line of said Section 4; thence, northerly along said 1/16th line, N00°00'49"W, a distance of 520.21 feet, more or less to the north section line of said Section 4, said point being a 1/16th section corner and marked by a rebar with survey cap "6251"; thence, easterly along the north line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive; Rapid Valley Water Tank.

Fisher presented the staff's recommendation to continue the Planned Residential Development to the July 24, 2008 Planning Commission meeting.

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Brewer moved, Hennies seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

Fisher requested that items 48 and 49 be taken concurrently.

48. No. 08PL030 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 8 of Block 1 and Lots 1 thru 8 of Block 2 of Homestead Plaza Subdivision, all located in the NE1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Fisher presented the Preliminary Plat and Variance requests. Fisher identified sanitary sewer service boundary issues and capacity issues for the proposed development. Fisher stated that the applicant will develop the subject property in phases.

Michele Schweitzer, Dream Design International, requested that the Planning Commission approve the Variance to the Subdivision Regulations requests. Switzer presented an alternate solution to the requirement to provide curb, gutter and sidewalk.

In response to Anderson's question, Schweitzer identified which lots are being platted.

Elkins stated that staff has reviewed the proposed barrow ditches to be incorporated with the sidewalk design.

Rolinger expressed his opposition to the Variance request to install sidewalks.

In response to Scull's question, Schweitzer identified the location of the sidewalk on the subject property. Discussion followed.

Elkins stated that the applicant would be required to submit design plans prior to Council action. Discussion followed.

Rolinger moved, Waltman seconded and unanimously carried to

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recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, 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 Planning Commission, revised grading information to reflect capturing the storm water run-off from Lots 1 thru 8 of Block 1 and the associated drainage calculations shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed. Temporary construction easements shall also be obtained from the adjacent property owners as needed;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for Sweetbriar Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

Rolinger moved, Gregg seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Sweetbriar Street be approved contingent upon a barrow ditch being provided to accommodate drainage and that sidewalk be provided; That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter

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and sidewalk along the west side of Sweetbriar Street be denied; and, That the Variance to the Subdivision Regulations to waive street light conduit be denied without prejudice. (9 to 1 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger and Waltman voting yes and Scull voting no)

50. 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, Section 25, T2N, R6E, BHM, Pennington County, South Dakota, 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.

Tegethoff presented the staff's recommendation to approve the Plat and Variance Requests.

Jim Olson, applicant's agent, requested that the Planning Commission approve the Plat and Variance requests. Olson stated that the existing roads are chip sealed surfaces. Olson added that the Steeles agreed to the access for the Pushings.

Dave England, area resident expressed his support for the lot split. England added that he had concerns with increased continuing development on a dead end road.

Tegethoff identified the existing road surface as chip seal on the adjacent properties. Lengthy discussion followed.

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

Anderson moved, Rolinger seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of the Preliminary Plat application, the road construction plans for the extension of Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 60 foot right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of the Preliminary Plat application, the road construction plans for the section line highways shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting or vacation of the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow**

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- half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of the Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
 4. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review and approval. If a shared well and/or a community water facility is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
 6. Upon submittal of the Preliminary Plat application, a topographical drawing showing any proposed grading and a sediment and erosion control plan for all improved areas shall be submitted for review and approval;
 7. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. 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;
 9. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 10. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;
 11. Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance shall be obtained;
 12. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required; and,
 13. 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

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period, request a one year extension subject to approval by the City Council. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

51. 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 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.

Tegethoff presented the staff's recommendation to approve the Variance to the Subdivision Regulations with stipulations.

Anderson moved, Hennies seconded and unanimously carried to recommend that 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 be approved with the following stipulations:

- 1. A 24 foot wide chip seal road shall be provided;**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section line Highways and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

52. No. 08PL094 - Hidden Springs Ranchettes

A request by Mike Jankord to consider an application for a **Layout Plat** for proposed Lots 5A and 5B of Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 5 of Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 22925 Hidden Springs Road.

Fisher presented the staff's recommendation to deny the Layout Plat.

Rolinger moved, Brown seconded and unanimously carried to recommend

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that the Layout Plat be denied. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

53. No. 08PL095 - Fort Hayes Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Herman and Wanda Jones Revocable Trusts to consider an application for a **Preliminary Plat** for proposed Lot 1 Revised and Lot 2 of Fort Hayes Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4 located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2255 and 2505 Fort Hayes Drive.

Tegethoff presented the staff's recommendation to continue the Preliminary Plat to the July 24, 2008 Planning Commission meeting.

Rolinger moved, Brown seconded and unanimously carried continue the Preliminary Plat to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

54. 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 24, 2008 Planning Commission meeting.

Waltman moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

55. 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 24, 2008 Planning Commission meeting.

Anderson expressed opposition to development in the floodway.

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Brewer expressed his opposition to development in the floodway.

Hennies expressed his concern for continuing development in the floodway. Discussion followed.

Rolinger moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a structure on public property to the July 24, 2008 Planning Commission meeting.

Substitute motion by Hennies, seconded by Waltman and unanimously carried to continue the SDCL 11-6-19 Review to allow a structure on public property to the July 24, 2008 Planning Commission meeting with the requirement that the applicant provide the necessary information and attend the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

56. No. 08SR049 - Robbinsdale Addition No. 10

A request by Dave Mueller for Rapid City Girls Junior Olympic ASA to consider an application for a **SDCL 11-6-19 Review to allow the installation of a sign on public property** on Lot 2 of Block 26 of Robbinsdale Addition No. 10, located in the E1/2, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

Ball presented the staff's recommendation to continue the July 24, 2008 Planning Commission meeting.

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

57. No. 08SR050 - Rapid City Greenway Tract

A request by John Duggan for the Gathering of the Clans to consider an application for a **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park.

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

Brewer moved, Scull seconded and unanimously carried to approve SDCL 11-6-19 Review to allow a temporary use on public property. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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Brown moved, Landguth seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

Rolinger left the meeting at this time.

58. No. 08SR057 - Nicoll's Subdivision

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot L, a subdivision of Lot 6 of Nicholl's Subdivision, Rapid City, South Dakota, located in the NE1/4 NE1/4, Section 7, T1N, R8E, BHM, including all premises, appurtenances and improvements thereof, except for the west forty feet and the south sixty-five feet, Rapid City, Pennington County, South Dakota, more generally described as being located at 2015 North Cambell.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the July 24, 2008 Planning Commission meeting.

Brown moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a communications tower to the July 24, 2008 Planning Commission Meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

59. No. 08TI006 - Section 13 and 24, T1N, R7E, Section 18 and 19, T1N, R8E,

A request by Dream Design International, Inc. to consider an application for a **Revised Project Plan for Tax Increment District No. 41** on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NW1/4NW1/4, SE1/4NW1/4 less the West 460 feet of the South 990 feet less Lot H1, SW1/4NW1/4 less the South 990 feet, SE1/4NE1/4, SW1/4NE1/4, NE1/4NW1/4, N1/2NE1/4 less NE1/4NW1/4NE1/4 and Less NW1/4NE1/4NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the unplatted balance of the E1/2NW1/4SE1/4, the unplatted balance of the SW1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated Right-of-way, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as per "Plat of Lot 2 of Block 11, Robbinsdale Addition No. 10, located in the SE1/4 of Section 13, T1N, R7E, BHM and in the N1/2 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota"; and, Lot A Revised

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of N1/2 Government Lot 4 and the adjacent Parkview Drive right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Block 11, Robbinsdale #10, and adjacent Parkview Drive right-of-way, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as per "Plat of Lot 1, Block 11, Robbinsdale Addition #10, located in SE1/4 of SE1/4 Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Catron Boulevard and Fifth Street.

Bulman presented the Tax Increment Financing Review Committee's recommendation to approve the Fourth Revised Project Plan for Tax Increment District No. 41.

Brown moved, Scull seconded and unanimously carried to recommend that the Fourth Revised Project Plan for Tax Increment District No. 41 be approved. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Bulman requested that items 60 and 61 be taken concurrently.

60. No. 08TI007 - Sections 23, 24, 26 27, 34 and 35, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Creation of Tax Increment District** on Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A and Tract B of Meadow View Subdivision; Unplatted, E1/2 W1/2 NE1/4 NW1/4 and the W1/2 E1/2 NE1/4 NW1/4; Unplatted Portion of NE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Shipman Heights Subdivision and Less Right-of-Way; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4;

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Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Catron Boulevard from Fifth Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to Hyland Crossing Subdivision.

61. No. 08TI008 - Sections 23, 24, 26 27, 34 and 35, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Project Plan** on Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A and Tract B of Meadow View Subdivision; Unplatted, E1/2 W1/2 NE1/4 NW1/4 and the W1/2 E1/2 NE1/4 NW1/4; Unplatted Portion of NE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Shipman Heights Subdivision and Less Right-of-Way; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Catron Boulevard from Fifth Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to Hyland Crossing Subdivision.

Bulman presented the staff's recommendation to continue the Resolution creating Highway 16B Sewer Tax Increment District and the Project Plan to the July 24, 2008 Planning Commission meeting.

Hennies moved, Brown seconded and unanimously carried to continue the Resolution Creating Highway 16B Sewer Tax Increment District and the Highway 16B Sewer Tax Increment District Project Plan to the July 24, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Bulman requested that items 62 and 63 be taken concurrently.

62. No. 08TI009 - Sections 28 and 29, T2N, R8E

A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **Creation of Tax Increment District** on that portion of SE1/4 north of Interstate 90 less Tract A of NE1/4 SE1/4 including that portion of vacated East Mall Drive being part of the outside edge of Lot H5; Lot B-1 of Lot B of SE1/4 NE1/4; Lot A of Lot 1 and the balance of Lot 1, Lot A & B of Lot 3 and Lot 3 less Lots A & B, Lot 2, all of Silver Strike Subdivision; that portion of SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 less Lot 1 of NE1/4 SW1/4, less Lots 1 & 2 of NW1/4 SW1/4; Lot 1 of NE1/4 SW1/4 including vacated East Mall Drive within said lot; NW1/4 including vacated East Mall Drive located within said NW1/4, less lots AR, B, C less E1/2 NE1/4 NW1/4, less E1/2 NW1/4 NE1/4 NW1/4; Lots B & C of NW1/4; Lot AR; E1/2 NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; NE1/4 NE1/4 NW1/4; that portion of Lot D located in the NW1/4 NE1/4; Lot A and Lot C in NW1/4 NE1/4; Right of way of East Mall Drive; Right of way of North Street; Right of way of Distribution Lane; all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Intersection of East Mall Drive and Dyess Avenue located in the western portion of Section 28 and the eastern portion of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of U.S. Interstate 90, east of LaCrosse Street and west of Dyess Avenue.

63. No. 08TI010 - Sections 28 and 29, T2N, R8E

A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **Project Plan** on that portion of SE1/4 north of Interstate 90 less Tract A of NE1/4 SE1/4 including that portion of vacated East Mall Drive being part of the outside edge of Lot H5; Lot B-1 of Lot B of SE1/4 NE1/4; Lot A of Lot 1 and the balance of Lot 1, Lot A & B of Lot 3 and Lot 3 less Lots A & B, Lot 2, all of Silver Strike Subdivision; that portion of SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 less Lot 1 of NE1/4 SW1/4, less Lots 1 & 2 of NW1/4 SW1/4; Lot 1 of NE1/4 SW1/4 including vacated East Mall Drive within said lot; NW1/4 including vacated East Mall Drive located within said NW1/4, less lots AR, B, C less E1/2 NE1/4 NW1/4, less E1/2 NW1/4 NE1/4 NW1/4; Lots B & C of NW1/4; Lot AR; E1/2 NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; NE1/4 NE1/4 NW1/4; that portion of Lot D located in the NW1/4 NE1/4; Lot A and Lot C in NW1/4 NE1/4; Right of way of East Mall Drive;

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Right of way of North Street; Right of way of Distribution Lane; all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Intersection of East Mall Drive and Dyess Avenue located in the western portion of Section 28 and the eastern portion of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of U.S. Interstate 90, east of LaCrosse Street and west of Dyess Avenue.

Bulman presented the Tax Increment Financing Review Committee's recommendation to approve the Resolution Creating North Street Fire Station Tax Increment District and the North Street Fire Station Tax Increment District Project Plan.

Waltman left the meeting at this time.

Elkins clarified the land owners and their participation and costs of improvement.

John Nooney, attorney representing one of the applicants, stated that their reason for being involved in this Tax Increment District is to assist the City in developing the Fire Station.

Brown expressed his support for the Tax Increment Finance District.

Brown moved, Brewer seconded and unanimously carried to recommend that the Resolution Creating North Street Fire Station Tax Increment District and the North Street Fire Station Tax Increment District Project Plan be approved. Planning Commission further recommends that the funds identified as contingency be split equally between Contingency and Necessary and Convenient costs in both Phase I and Phase II. be approved. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Scull voting yes and none voting no)

*64. No. 08UR004 - Rapid River Subdivision

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

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

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

- 1. All provisions of the applicable International Fire Code shall be continually met;**
- 2. A minimum of 15,100 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning**

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Ordinance and the approved landscaping plan. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

3. A minimum of 23 parking spaces shall be provided. One of the spaces shall be handicap "Van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
4. The applicant shall obtain a building permit prior to any construction and the applicant shall obtain a sign permit prior to the installation of any signs;
5. Prior to occupancy, the applicant must obtain a certificate of occupancy;
6. 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;
7. The on-sale liquor establishment shall be for on-sale beer beverages only. Any change in use shall require a Major Amendment to the Conditional Use Permit;
8. 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. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Scull voting yes and none voting no)

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

65. Discussion Items

- A. Parkland Land Dedication.

Hennies moved, Brown seconded and unanimously carried to continue the Parkland Dedication to the July 24, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Scull voting yes and none voting no)

66. Staff Items

67. Planning Commission Items

68. Committee Reports

- A. City Council Report (June 16, 2008)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals

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- 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, Scull moved, Brewer seconded and unanimously carried to adjourn the meeting at 9:18 a.m. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Scull voting yes and none voting no)