



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 24, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Linda Marchand, Andrew Scull and Karen Waltman and Rob Weifenbach, 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 Jenni Dragoo.

Derby called the meeting to order at 7:02 a.m.

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

Staff requested that Items 18 and 19 be removed from the Consent Agenda for separate consideration at the request of an audience member.

Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 34 in accordance with the staff recommendations with the exception of Items 18 and 19. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 10, 2008 Planning Commission Meeting Minutes.
2. 08TP019 – 2008-2012 Transportation Improvement Program Amendment No. 08-013

Planning Commission recommended that the 2008-2012 Transportation Improvement Program Amendment No. 08-013 be approved.

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

Planning Commission continued the Vacation of Section Line Highway request to the August 21, 2008 Planning Commission meeting.



4. No. 07PL134 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

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

5. No. 07SV057 - Hyland Crossing Subdivision

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the August 21, 2008 Planning Commission meeting.

6. 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 E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block



3, and the point of beginning, more generally described as being located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

Planning Commission recommended that 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 be approved.

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

Planning Commission recommended that the Rezoning from Low Density Residential District to Public District be approved.

8. 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 recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General



Commercial to Public be approved.

9. 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 recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial to Public be approved.

10. 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 recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public be approved.

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

Planning Commission recommended that 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 be approved.

12. 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 recommended that 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 be approved.

13. No. 08RZ008 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 707.30 feet; Thence, third course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of Block 2 of Neff's Subdivision No. 2; Thence, fourth course: N85°25'19"W, a distance of 414.67 feet, to a point on the westerly boundary of said Tract A; Thence, fifth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Public District be approved.

14. 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 recommended that the Rezoning from Low Density Residential District to Public District be approved.

15. No. 08RZ010 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows:



Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwest corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

Planning Commission recommended that the Rezoning from Low Density Residential District to Office Commercial District be approved.

16. 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 recommended that the Rezoning from General Agriculture District to Office Commercial District be approved.

17. No. 08RZ012 - F&N Subdivision

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



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

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved.

20. 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 August 21, 2008 Planning Commission meeting.

*21. 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 August 7, 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.

*22. 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-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, 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 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.

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

- 1. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential**



Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Residential Development. In addition, the signage is limited to identifying the proposed name of the development with no other advertising allowed. A sign permit shall also be obtained demonstrating that the signage is located outside of any sight triangles and outside of right(s)-of-way.

2. The signage shall not be illuminated;
3. The landscaping shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. Prior to issuance of a Sign Permit, an easement securing the location of the sign on the proposed lot shall be recorded either as a part of a Final Plat or as a miscellaneous document;
5. Prior to issuance of a Sign Permit or prior to approval of a Final Plat, whichever occurs first, a Covenant Agreement shall be recorded at the Register of Deed's Office securing ownership and maintenance of the sign; and,
6. The Planned Residential Development shall allow for the construction of one monument sign located in the northeast corner of the intersection of Copperfield Drive and Homestead Street as proposed. 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. Any additional future signage or any other use of the property shall require the review and approval of a Major Amendment to the Residential Development Plan. A one year time extension may be granted upon written request to the Growth Management Director, and 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.

*23. No. 08PD030 - Section 3, T1N, R7E

A request by Renee Catron-Blair and Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Parcel A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 Jackson Boulevard.

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

1. The property shall be used as a funeral home. Any expansion of use or any other use of the property shall require a Major Amendment to



- the Planned Commercial Development;
2. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 3. Prior to issuance of a sign permit the applicant shall remove the two parking stalls located on City owned property or provide a revised plan demonstrating that the parking stalls are not located on City owned property;
 4. The landscape requirement is hereby waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located; and,
 5. The Planned Commercial Development 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.

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.

24. No. 08PL016 - Schaeferville Subdivision
A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

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

25. No. 08SV010 - Schaeferville Subdivision



A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, , legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the section line highway, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the August 21, 2008 Planning Commission meeting.

26. No. 08PL036 - Auburn Hills Subdivision

A request by Joe Muth for Doeck, L.L.C. to consider an application for a **Layout Plat** for proposed Lot 1 of Block 10 of Auburn Hills Subdivision, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

Planning Commission continued the Layout Plat to the August 7, 2008 Planning Commission meeting.

27. No. 08PL061 - Race Track Subdivision

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

Planning Commission continued the Layout Plat to the August 7, 2008 Planning Commission meeting.

28. No. 08SV028 - Race Track Subdivision



A request by Kadrmias, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Race Track Subdivision, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the August 7, 2008 Planning Commission meeting.

29. No. 08PL100 - Harter Addition

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R and 2R of Lot B in Harter Addition, legally described as Lots 1 and 2 of Lot B of Harter Addition, located in the NW1/4 of the NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2430 Canyon Lake Drive.

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

30. No. 08SV036 - Harter Addition

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 16 feet for the easement providing access to proposed Lots 2R of Lot B and continuing the existing access easement on Lot 1R of Lot B, to waive the requirement to install sidewalk along the north side of Canyon Lake Drive and to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the width of the right-of-way from 52 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1R and 2R of Lot B in Harter Addition, legally described as Lots 1 and 2 of Lot B of Harter Addition, located in the NW1/4 of the NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2430 Canyon Lake Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 16 feet for the easement providing access to proposed Lots 2R of Lot B and continuing the existing access easement on Lot 1R of Lot B, to waive the requirement to install sidewalk along the north side of Canyon Lake Drive and to waive the requirement to install asphalt,



curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the width of the right-of-way from 52 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice at the applicant's request.

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

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

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the August 21, 2008 Planning Commission meeting.

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 an **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 August 7, 2008 Planning Commission meeting.

33. No. 08SR060 - Original Town of Rapid City

A request by Advanced Engineering and Environmental Services for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of public utility vaults** on Block 5 of Flormann Addition and Lots 11 thru 32 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Columbus Street and Third Street on Second Street and Third Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of public utility vaults to the August 21, 2008 Planning Commission meeting.

34. No. 08VE005 - Limestone Subdivision

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

Planning Commission continued the Vacation of Access Easement to the



August 21, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

Elkins requested that Items 18 and 19 be taken concurrently.

18. No. 08CA020 - Silver Strike Subdivision

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

19. 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 and reviewed the applicant's request to remove the lower corner of the property located southwest of East North Street from the Planned Development.

Melanie Palm with Nine Liens, the applicant, requested that the lower corner of the property located southwest of East North Street be removed from the Planned Development. In response to Derby's question, Palm identified the proposed location of the North Fire Station.

Scull moved, Brown seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive plan to change the Future Land Use Plan from Light Industrial to General Commercial and the Rezoning request from General Agriculture District to General Commercial District be approved with the following stipulation:

1. **Prior to City Council approval, a Planned Development Designation shall be submitted for review and approval excluding the portion of the property located southwest of the proposed extension of East North Street. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 35, 36 and 37 be taken concurrently.

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

A request by Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** for proposed Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of



Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

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

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

*37. No. 08PD007 - Tower Ridge Subdivision

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



Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located east of U.S. Highway 16 and north of Promise Road.

Fisher presented the staff's recommendation to continue the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial – Initial Development Plan to the August 21, 2008 Planning Commission meeting.

Brown moved, Gregg seconded and unanimously carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code and the Planned Commercial Development - Initial Development Plan to the August 21, 2008 Planning Commission meeting. (6 to 0 to 2 with Brown, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no and Brewer and Scull abstaining)

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



business on the seventh full calendar day following action by the Planning Commission.

*38. 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.

Ball presented the staff's recommendation to approve the Conditional Use Permit with revised stipulations. In response to Waltman's question, Ball stated that stipulation #4 was revised and stipulation #8 was added.

Bob Brandt for Century Development Co., the applicant, stated he was available for questions.

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

- 1. Prior to Planning Commission approval of Phase One, the applicant shall submit a revised Phase One boundary for review and approval;**
- 2. Prior to Planning Commission approval of Phase One, the applicant shall document that the required landscaping points for the revised Phase One boundary area are provided;**
- 3. Prior to Planning Commission approval of Phase One, the applicant shall submit a shared access agreement signed by the property owner to the east;**
- 4. Prior to the issuance of a sign permit, a revised sign package identifying a monument sign shall be submitted to the Director of Growth Management for review and approval. The monument sign shall not exceed a maximum height of 45 feet or a maximum width of 35 feet;**
- 5. All current International Fire Codes shall be continually met. In addition, the building shall be fire sprinklered as per the International Fire Code and a building permit shall be obtained for the fire sprinkler system prior to installation;**
- 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 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;**
- 8. A minimum of 118,000 landscaping points shall be provided for Phase One. All landscaping shall continually comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**



That Phase Two be denied without prejudice. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, 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.

*39. 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 – Initial and Final Development Plan to the August 7, 2008 Planning Commission meeting with the applicant's concurrence.

Brown moved, Hennies seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, 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.

*40. No. 08PD020 - Forefather Flats Subdivision

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



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

Fisher presented the staff's recommendation to approve the Planned Commercial Development - Final Development Plan with stipulations. Fisher presented the revised elevations demonstrating the utilization of the tan colored roof membrane and roof-top equipment in lieu of the white color that was previously proposed.

In response to Brewer's question, Fisher stated that the applicant has met the landscaping requirements in regards to landscape points and foliage utilized.

In response to Derby's question, Mary Foley, the applicant, addressed the energy cost savings percentages between utilization of the tan color to the white color. In response to Scull's question, Elkins stated that staff's recommendations regarding roof colors will be done on a case-by-case basis determined by the elevations, the views and topography of each project. In response to Brown's question, Elkins reviewed the limitations on site lighting included in the Zoning Ordinance in reference to light pollution.

Fred Weishaupl, resident, stated his opposition to the height of the current trees proposed in the landscaping plan around the perimeter of the property, the parking of semi-trailers on the property for long periods of time and his support for screening of the roof-top equipment. In response to Derby's question, Fisher stated that stipulation #6 addresses the semi-trailers on the property. In response to Derby's question, Elkins and Tegethoff explained the various differences between tree diameter sizes in reference to future growth height.

Brewer commended both the staff and the applicant for working together to improve the entryway to Rapid City.

Brewer moved, Marchand seconded and unanimously carried to approve



the Planned Commercial Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, revised elevations for the Sam's Club car wash building shall be submitted for review and approval. In particular, the east and west side elevations of the building shall be revised to include the same timber and/or stone accents that have been incorporated into the Sam's Club building. In addition, the applicant shall identify the color of the roof for the Sam's Club building to ensure that it is not white;**
- 2. Prior to Planning Commission approval, the location, size and noise rating of all exterior air handling equipment and mechanical equipment shall be submitted for review and approval. In addition, the equipment shall be screened to preclude the equipment from being visible from the surrounding properties and/or adjacent streets;**
- 3. Prior to issuance of a building permit, the parking agreement to allow parking for the carwash and gas station on Lot 6 to be located on the Sam's Club lot on Lot 4, shall be recorded at the Register of Deed's Office. A copy of the recorded parking agreement shall be submitted to the Growth Management Department;**
- 4. Approach No. 3 and the access aisle extending to proposed Lot 4, the Sam's Club site, shall be constructed as a part of this Phase of the development;**
- 5. The Truck Route Plan shall continually meet the minimum radii and turning movement requirements;**
- 6. No outdoor storage of palettes, card board boxes or other similar materials shall be allowed. In addition, no storage of semi-trailers shall be allowed on the property;**
- 7. Prior to issuance of a building permit, the agreement with the City identifying the timing of street improvements along E. Mall Drive shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded agreement shall be submitted to the Growth Management Department;**
- 8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 9. A complete Air Quality Permit application shall be submitted for review and approval prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;**
- 10. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 11. Prior to issuance of a building permit, access, drainage and utility easements shall be recorded at the Register of Deed's Office as needed. In addition, a copy of the recorded easement shall be submitted to the Growth Management Department;**
- 12. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council. In addition, prior to**



- issuance of a Certificate of Occupancy a Final Plat shall be approved and recorded;
13. Prior to issuance of a Certificate of Occupancy, the screening fence along Interstate 90 shall be constructed;
 14. The trash receptacles shall be located in compliance with the proposed plan and screened along all four sides;
 15. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development;
 16. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 17. A minimum of 491,440 landscaping points with a minimum of 15 planter islands shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 18. A minimum of 699 parking spaces shall be provided on proposed Lot 4 for the Sam's Club. In addition, 14 of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 19. A minimum of three stacking lanes shall be provided on proposed Lot 6 for the carwash. In addition, two additional parking spaces shall be provided with one of the spaces being "van accessible" to accommodate employee parking;
 20. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 21. The lighting shall be designed to be reflected within the property boundaries so as not to 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;
 22. The structure on proposed Lot 4 shall be used as a retail store and the structure(s) on proposed Lot 6 shall be used as a carwash and



- gas station or a Major Amendment to the Commercial Development Plan shall be obtained. In addition, no overnight camping or overnight recreational vehicle parking shall be allowed;
23. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan application or a subsequent Major Amendment; and,
 24. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (7 to 0 to 1 with Brewer, Brown, Derby, Gregg, Hennies, Marchand 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.

*41. No. 08PD031 - Knights of Columbus Subdivision

A request by McCarthy Anderson, Inc. for Knights, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A of Knights of Columbus Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Fifth Street.

Fisher presented the staff's recommendation to continue the Major Amendment to a Planned Commercial Development to the August 7, 2008 Planning Commission meeting.

Brown moved, Gregg seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, 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.

*42. No. 08PD032 - Mall Drive Subdivision



A request by William A. Bertalot for Accent Homes, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development** on a Parcel of land, located in the NW¼ SE¼, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota (said parcel of land identified as Proposed Lots 1 and 2 of Mall Drive Subdivision.) The Point of Beginning of said parcel being coincident with the southwesterly corner of Lot 2 of Block 6, of Interstate 90 Heartland Business Park, recorded at the Pennington County Register of Deeds Office in Plat Book 34 Page 74, said corner being marked by a 5/8" rebar with survey cap marked "LS 6119" said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the southerly line of said Lot 2 of Block 6 of Interstate 90 Heartland Business Park with a bearing S89°43'20"E and a distance of 454.96 feet to the angle point corner of said Lot 2 of Block 6 of Interstate 90 Heartland Business Park marked by a 5/8" rebar with survey cap marked "LS 6119"; THENCE SECOND COURSE: along a line with a bearing S09°11'51"E and a distance of 330.75 feet to an intersection with the northerly Right-of-Way line of East Mall Drive; THENCE THIRD COURSE: along said northerly Right-of-Way line along a curve to the right with a delta angle of 22°25'43", a radius of 890.00 feet, an arc length of 348.39 feet, with a chord bearing of S78°47'01"W and a chord distance of 346.17 feet; THENCE FOURTH COURSE: continuing along said northerly Right-of-Way line with a bearing S89°59'52"W and a distance of 168.61 feet to an intersection with the north-south section one quarter line (1/4); THENCE FIFTH COURSE: along said one quarter line with a bearing N00°03'03"E and a distance of 396.04 feet to the Point of Beginning, more generally described as being located at 3330 Mall Drive.

Tegethoff presented the staff's recommendation to continue the Planned Commercial Development – Initial and Final Development Plan to the August 7, 2008 Planning Commission meeting as the stipulations of approval have not been met.

Gregg moved, Brown seconded and unanimously carried to continue the Planned Commercial Development – Initial and Final Development Plan to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, 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 43 and 44 be taken concurrently.

43. No. 08PL088 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Preliminary Plat** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as the remainder of Lot B of the SE1/4 of the



SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of U.S. Highway 16 adjacent to Tower Road and east of Sandstone Lane.

44. No. 08SV034 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as 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 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 to the August 7, 2008 Planning Commission meeting with the applicant's concurrence as a stipulation of approval has not been met.

Brown moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat and the 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 be continued to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

45. 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, 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 staff's recommendation to deny without prejudice the Preliminary Plat at the applicant's request.

Brown moved, Scull seconded and unanimously carried to recommend that the Preliminary Plat be denied without prejudice at the applicant's request. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

Ball requested that Items 46, 47 and 48 be taken concurrently.



46. No. 08SR017 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 E. Omaha Street.
47. No. 08SR018 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.
48. No. 08SR020 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Reviews to allow the construction of a sign on public property to the August 7, 2008 Planning Commission meeting.

Brown moved, Hennies seconded and unanimously carried to continue Items 46, 47 and 48 to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

49. No. 08SR042 - Schnasse Addition
A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for an **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 to allow the construction of a cellular tower to the August 7, 2008 Planning Commission meeting.

Waltman moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

50. No. 08SR045 - Rapid City Greenway Tract
A request by Story Book Island, Inc. to consider an application for an **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 approve the SDCL 11-6-19 Review to allow a structure on public property.

Martha Rodriguez, representing Story Book Island, Inc., requested approval of the SDCL 11-6-19 Review.

Brewer moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a structure on public property if the following additional information is submitted prior to Planning Commission approval:

1. **The applicant shall submit a complete site plan including the property boundaries for review and approval;**
2. **The applicant shall submit elevations for the shed or pictures of the completed shed for review and approval; and,**
3. **The applicant shall obtain a Flood Plain Development Permit. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)**

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

A request by Dave Mueller for Rapid City Girls Junior Olympic ASA to consider an application for an **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 SDCL 11-6-19 Review to allow a sign on public property to the August 7, 2008 Planning Commission meeting.

Hennies moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a sign on public property to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

52. No. 08SR057 - Nicoll's Subdivision

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for an **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 to allow a telecommunications tower to the August 21, 2008 Planning Commission meeting at the applicant's request.

Waltman moved, Gregg seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a telecommunications tower to the August 21, 2008 Planning Commission meeting at the applicant's request. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

53. No. 08SR058 - Original Town of Rapid City

A request by Raymond D. Summers for Museum Alliance of Rapid City, d/b/a The Journey Museum to consider an application for an **SDCL 11-6-19 Review to locate a historic structure on public property** on Lots 17 and 18 of the Original Town of Rapid City, Block 18, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 Philadelphia Street.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review to locate a historic structure on public property to the August 7, 2008 Planning Commission meeting at the applicant's request. In response to Brewer's question, Ball stated that it was determined that the structure would not be placed in the floodplain.

Hennies moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to locate a historic structure on public property to the August 7, 2008 Planning Commission meeting at the applicant's request. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

54. No. 08SR059 - Section 34, T2N, R8E

A request by Advanced Engineering and Environmental Services for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of a public water reservoir** on a portion of the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Elk Vale Road and Cheyenne Boulevard.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review to allow construction of a public water reservoir to the August 7, 2008 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow construction of a public water reservoir with the acknowledgment that the requirement to pave that portion of the access easement extending from Elk Vale Road to the fenced area of the reservoir site be waived to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)



55. No. 08SR061 - Dan's Supermarket Tract

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of a public parking lot** on Lot 1 of Dan's Supermarket Tract Revised less Lot H1 and Tract NW66 less Lot H1 and H2; the balance of Lot 12 thru 16 less Lot H1 of Lot 16, all of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Omaha Street and Fifth Street.

Ball presented the staff's recommendation to approve the SDCL 11-6-19 Review to allow construction of a public parking lot. In response to Derby's question, Ball stated that the current Lamar billboard will remain on the property and any future changes to that billboard would require a new SDCL 11-6-19 Review application.

Brown moved, Waltman seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow construction of a public parking lot if the following additional information is submitted prior to Planning Commission approval:

1. **The applicant shall address all redlined comments and return the redlined drawings to Growth Management for review and approval;**
2. **The applicant shall submit a revised parking plan identifying a minimum of two handicap accessible parking stalls; and,**
3. **The applicant shall submit a revised site plan identify all existing water and sewer mains for review and approval.**
4. **A minimum of 23,250 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary.**
5. **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. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)**

Bulman requested that Items 56 and 57 be taken concurrently.

56. 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; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted SW1/4NW1/4 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.

57. 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 SW1/4NW1/4 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 Tax Increment Financing Review Committee's recommendation to approve the Resolution Creating Highway 16B Sewer Tax Increment District and the Highway 16B Sewer Tax Increment District Project Plan. Bulman noted that staff also recommends that the lift station property, Lot 9R, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be included in the legal description for the Tax Increment District and that the funds identified as Contingency be split equally between Contingency and Necessary and Convenient costs.

In response to Derby's question, Elkins stated that the Tax Increment District which is created first is entitled to the revenue from the area until that first Tax Increment District is paid off.

Hani Shafi, the applicant, stated that after discussion with the area property owners, including the property owners to the north, there is no opposition of the inclusion of the properties at this time. In response to Derby's question, Shafi explained the utilization of the proposed interest rate.

Scott Sumner, attorney for Highland Crossing, stated support and requested approval for the creation of the Tax Increment District and the Project Plan.

Dale Jensen, resident, stated he is not opposed to the proposed sewer improvements, but is opposed to the utilization of a Tax Increment District.

Brown moved, Marchand seconded and unanimously carried to recommend that the Resolution Creating Highway 16B Sewer Tax Increment District and the Highway 16B Sewer Tax Increment District Project Plan be approved. Planning Commission further recommends that the lift station property, Lot 9R, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be included in the legal description for the Tax Increment District and that the funds identified as Contingency be split equally between Contingency and



Necessary and Convenient costs. (7 to 0 to 1 with Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no and Brewer abstaining)

58. Five-year Plan and FY2008 Budget to Capital Improvement.

Elkins presented the Five-year Plan and FY2008 Budget to Capital Improvement item.

Brewer requested additional time to fully review this item before taking any action.

Brewer moved, Brown seconded and unanimously carried to recommend that Five-year Plan and FY2008 Budget to Capital Improvement be continued to the August 7, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

59. 08TP005 – Approval of the Revised Resolution for the Transportation Improvement Program Projects funded by the Urban Systems Program in 2009 – 2013.

Heller presented the staff's recommendation to approve the Revised Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009 – 2013. Discussion followed on the location of the proposed improvement changes and the timeframes.

In response to Brewer's question, Elkins stated that the Public Works staff is proposing to hold public meetings sometime in September to discuss street improvement projects needed in the downtown area.

Derby commented on the increasing costs of transportation improvements.

Brewer motion, Scull seconded and unanimously carried to recommend that the Revised Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009 – 2013 be approved. (7 to 0 to 1 with Brewer, Brown, Derby, Gregg, Hennies, Marchand and Scull voting yes and none voting no and Waltman abstaining)

60. 08TP016 – Sheridan Lake Road Jackson Boulevard to Deadwood Avenue Traffic Analysis and Route Alignment Study – Draft Report.

Heller presented the report of the Sheridan Lake Road/Jackson Boulevard to Deadwood Avenue Traffic Analysis and Route Alignment Study. Lengthy discussion followed.

In response to Derby's question, Heller stated that the proposal is not cost effective at this time in terms of the volume of traffic that would utilize this



connection of Sheridan Lake Road to Deadwood Avenue. Discussion followed.

Brewer stated his support for protecting the established neighborhoods from increased traffic while still improving the traffic flow and protecting the pedestrian traffic.

Scull stated his support for protecting the established neighborhood areas from increased traffic flow and supported designating right-of-way for this proposed plan for the future. Discussion followed.

Brown moved, Marchand seconded and unanimously carried to acknowledge the report of the Sheridan Lake Road/Jackson Boulevard to Deadwood Avenue Traffic Analysis and Route Alignment Study. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

Scull left the meeting at this time.

61. 08TP021 – 2008-2012 Transportation Improvement Program Amendment No. 08-015.

Heller presented the staff's recommendation to approve the 2008-2012 Transportation Improvement Program Amendment No. 08-015.

Brewer moved, Hennies seconded and unanimously carried to recommend that the 2008-2012 Transportation Improvement Program Amendment No. 08-015 be approved. (7 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)

62. Discussion Items

A. **Parkland Land Dedication.**

Elkins asked that the Planning Commission give staff direction on whether they would like to proceed with reviewing the proposal or continuing the item to the next meeting. Discussion followed.

Brewer moved, Gregg seconded and unanimously carried to continue the discussion of the Parkland Land Dedication item to the August 21, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)

B. Prohibition on Instant Messaging and other Communications.

Schad reviewed Ordinance #5398 on the Prohibition of Instant Messaging and other Communications during open meetings. Lengthy discussion followed. Elkins stated that the ordinance will be effective August 1, 2008.



Brown moved, Brewer seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (7 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)

Lengthy discussion followed.

Waltman left the meeting at this time.

No action was taken on this item.

Elkins requested that discussion items 62C and 62D be taken concurrently.

- C. Building Height Requirements.
- D. Ex-parte Communications Policy – Joel Landeen.

Brown moved, Brewer seconded and unanimously carried to continue the Building Height Requirements and the Ex-parte Communications Policy to the August 21, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Derby, Gregg, Hennies and Marchand voting yes and none voting no)

63. Staff Items

64. Planning Commission Items

65. Committee Reports

- A. City Council Report (July 7, 2008)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brown moved, Hennies seconded and unanimously carried to adjourn the meeting at 9:08 a.m. (6 to 0 with Brewer, Brown, Derby, Gregg, Hennies and Marchand voting yes and none voting no)

