

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 9, 2008

MEMBERS PRESENT: Peter Anderson, Gary Brown, Julie Gregg, Thomas Hennies, Dennis Landguth, Linda Marchand, Andrew Scull and Karen Waltman.

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

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

Waltman 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 9, 10, 11 and 31 be removed from the Consent Agenda for separate consideration.

Motion by Brown, seconded by Gregg and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 39 in accordance with the staff recommendations with the exception of Items 9, 10, 11 and 31. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

1. Approval of the September 22, 2008 Special Planning Commission Meeting Minutes and the September 25, 2008 Planning Commission Meeting Minutes.
2. No. 08CA006 - Rapid City Future Land Use 2008 Plan Overview
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the Rapid City Future Land Use 2008 Plan Overview.**

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

3. No. 08CA007 - Southeast Connector
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Comprehensive Plan to adopt the Southeast Connector Neighborhood Area Future Land Use Plan** on south of SD Highway 44, east of Cambell Street/SD Highway 79, west of the range line between R9E and R10E (running north-south along the east side of Caputa), and north of Sections 13 thru 18, T1S, R9E and Sections 13 thru 16 and a portion of Section 17, T1S, R8E, Pennington County, South Dakota



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

4. No. 08CA008 - Southeast Connector

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by realigning arterial and collector streets in the Southeast Connector Neighborhood Area Future Land Use Plan** on south of SD Highway 44, east of Cambell Street/SD Highway 79, west of the range line between R9E and R10E (running north-south along the east side of Caputa), and north of Sections 13 thru 18, T1S, R9E and Sections 13 thru 16 and a portion of Section 17, T1S, R8E, Pennington County, South Dakota.

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

5. No. 08CA024 - W-Y Addition

A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky at Atlantis, LLC to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial** on a portion of Tract E of W-Y Addition located in the W½ SW¼, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 03°16'03", an arc length of 323.90 feet, and a chord bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning, more generally described as being located south of 4301 South Interstate 90 Service Road.



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

6. No. 08CA026 - I-90 Heartland Business Park

A request by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development** on Lot 3 Mall Drive Subdivision and Lot 1B of Block 6 of Interstate 90 Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and West of Dakota Craft Drive.

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

7. No. 08OA010 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment adding Planned Developments as a Conditional Use in the the General Agriculture Zoning District by Amending Sections 17.34.030, 17.50.080 and 17.50.100 of the Rapid City Municipal Code.**

Planning Commission recommended that the Ordinance Amendment adding Planned Developments as a Conditional Use in the the General Agriculture Zoning District by Amending Sections 17.34.030, 17.50.080 and 17.50.100 of the Rapid City Municipal Code be approved.

8. No. 08OA011 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment adding the installation of curb and gutter, street lights and sidewalks on State Highways to the Subdivision Exceptions by Amending Section 16.24.015 of the Rapid City Municipal Code.**

Planning Commission recommended that the Ordinance Amendment to allow the installion of curb and gutter, street lights and sidewalks on State Highways to be waived through the exception process by amending Section 16.24.015 of the Rapid City Municipal Code be approved.

12. No. 08SV049 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W½ of the NW¼ of the SE¼, Section 22, T1N,



R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code to the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information.

13. No. 08PL016 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on proposed Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, legally described as the unplatted balance of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot 1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17 and NE $\frac{1}{4}$ 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 recommended that the Preliminary Plat be denied without prejudice.



14. No. 08SV010 - Schaeferville Subdivision

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

Planning Commission recommended that 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 be denied without prejudice.

15. No. 08PL061 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Layout Plat** on 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 Layout Plat to the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 08SV028 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on 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 October 23, 2008 Planning Commission meeting.

17. No. 08PL099 – Homestead Plaza Subdivision

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

Planning Commission continued the Preliminary Plat to the October 23, 2008 Planning Commission meeting.

18. No. 08PL102 - Mahoney Addition

A request by Black Hills Area Habitat for Humanity to consider an application for a **Preliminary Plat** on proposed Blocks 73A, 73B and 73C of Mahoney Addition, legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1323 Midway Street.

Planning Commission continued the Preliminary Plat to the November 6, 2008 Planning Commission meeting.

19. No. 08SV041 - Mahoney Addition

A request by Black Hills Habitat for Humanity to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Block 73A and 73C of Mahoney Addition, legally described as Block 73, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1323 Midway Street.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the November 6, 2008 Planning Commission meeting.

20. No. 08PL116 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings to consider an application for a **Preliminary Plat** on proposed Lots 8 thru 12 of

Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

Planning Commission continued the Preliminary Plat to the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information.

21. No. 08PL130 - Cambell Square Addition

A request by Britton Engineering & Land Surveying for Steve Wynia to consider an application for a **Preliminary Plat** on proposed Lots 9R and 10R of Cambell Square Addition, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Planning Commission continued the Preliminary Plat to the October 23, 2008 Planning Commission meeting.

22. No. 08SV046 - Cambell Square Addition

A request by Britton Engineering & Land Surveying for Steve Wynia to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lots 9R and 10R of Cambell Square Addition, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Planning Commission continued the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code to the October 23, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

23. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** on proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South

Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the October 23, 2008 Planning Commission meeting.

24. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lot 1R and Lot2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the October 23, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

25. No. 08PL132 – Village on the Green No. 2 Subdivision

A request by Sperlich Consulting, Inc. for Lifestyle Homes to consider an application for a **Preliminary Plat** on Lots 54A and 54B of Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 54 of the Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Mulligan Mile.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

26. No. 08SV048 - Village on the Green No. 2 Subdivision

A request by Sperlich Consulting, Inc. for Lifestyle Homes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce pavement width as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lots 54A and 54B of Village on the Green No. 2 Subdivision, legally described as Lot 54 of the Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Mulligan Mile.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a note be placed on the plat prohibiting on-street parking and that a five foot wide access easement shall be



provided along Mulligan Mile as it abuts the property;
That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course; and,
That the Variance to the Subdivision Regulations to reduce the pavement width of Mulligan Mile be denied without prejudice.

27. No. 08PL133 - U Lazy Two Ranch Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for U Lazy Two, LLC to consider an application for a **Preliminary Plat** on proposed Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision, legally described as a parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8970 Nemo Road.

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located between proposed Lots 1 and 2 shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;

5. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 9. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
28. No. 08SV050 - U Lazy Two Ranch Estates Subdivision
A request by Fisk Land Surveying & Consulting Engineers for U Lazy Two, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement and to waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision, located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8970 Nemo Road.
- Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and additional pavement along Nemo Road, to install curb, gutter, street light conduit, water, sewer and pavement along the existing section line highways and to waive the requirement to dedicate the section line highways as right-of-way be approved with the following stipulations:**
1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.
29. No. 08SR044 - Sections 15 and 22, T1N, R8E
A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main** on the E1/2 SE1/4, Section 15 and the NE1/4 NE1/4, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Reservoir Road and south of the intersection of Reservoir

Road and East Highway 44 approximately 2.1 miles.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a water main to the October 23, 2008 Planning Commission meeting.

30. No. 08SR074 - Section 32, T2N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure in a public park** on City Springs in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Planning Commission continued the SDCL 11-6-19 Review to allow a structure in a public park to the October 23, 2008 Planning Commission meeting.

32. No. 08SR078 - Rapid City Airport Subdivision No. 6

A request by Hengel Associates, P.C. for Dale Aviation, Inc. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on located in the unplatted portion of Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3900 Airport Road.

Planning Commission continued the SDCL 11-6-19 Review to allow structures on public property to the October 23, 2008 Planning Commission meeting.

33. No. 08SR079 - Rapid City Greenway Tract

A request by Barr Engineering for South Dakota Department of Game, Fish and Parks to consider an application for a **SDCL 11-6-19 Review to allow Canyon Lake Bypass** on Tract 1 thru 3 and Lots A and B of Tract 3 (also in Section 8, T1N, R7E) of the Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of the Canyon Lake Bypass.

34. No. 08SR080 - Carefree Subdivision

A request by Ferber Engineering Company, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street** on Lot X and the vacated Section Line, Section 29, T2N, R8E, Lots 1 and 2 of Carefree Subdivision, Section 32, T2N, R8E and adjacent East North Street and Eglin Street Rights-of-way, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of South Dakota Department of Transportation Office Complex between East North Street and Eglin Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street to the October 23, 2008 Planning Commission meeting.

***35. No. 08UR012 - Section 5, T1N, R8E**

A request by Advanced Engineering for Judy Rhode of Elegant Events to consider an application for a **Conditional Use Permit to allow a Banquet Facility with on-sale liquor** on Lot 1 of Lot J of the NE1/4 SW1/4, less Lot 3, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 Kennel Drive.

Planning Commission approved the Conditional Use Permit to allow a Banquet Facility with on-sale liquor with the following stipulations:

- 1. Prior to Planning Commission approval of a Conditional Use Permit application, the applicant shall submit a revised site plan providing the required 303 paved parking stalls for review and approval or a Variance shall be obtained from the Zoning Board of Adjustment;**
- 2. 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);**
- 3. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Conditional Use Permit;**
- 4. Prior to issuance of a building permit the required permits from the South Dakota Department of Transportation shall be obtained;**
- 5. Prior to issuance of a building permit the applicant shall demonstrate that the existing on-site septic system is functioning adequately. When the on-site septic system fails or the property is subdivided the applicant shall connect all existing and proposed structures to the City of Rapid City sanitary sewer system;**
- 6. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit application. 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 Conditional Use Permit. 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;
9. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 10. A minimum of 199,730 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. 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; and,
 12. The Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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.

*36. No. 08UR013 - Borzenski Subdivision

A request by Bart Hamm to consider an application for a **Conditional Use Permit to allow an oversized garage** on Lot 2 of Borzenski Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4763 Vista Hills Drive.

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

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

The Rapid City Planning Commission's action on this item is final unless

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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.

37. 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 November 6, 2008 Planning Commission meeting.

38. No. 08VE022 - Meadows Subdivision

A request by Jason Hagen to consider an application for a **Vacation of a Portion of Non-Access Easement** on Lot 20 of Block 8 of Meadows Subdivision, located in the SE1/4 NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 608 Field View Drive.

Planning Commission continued the Vacation of Easement to the October 23, 2008 Planning Commission meeting.

39. 08TP027 – Draft 2009 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.

Planning Commission recommended approval of the draft Unified Planning Work Program as adopted by the committee on September 18, 2008.

---END OF CONSENT CALENDAR---

*9. No. 08PD050 - Rushmore Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on a portion of the SW¼ of the SW¼ of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE¼ of SW¼ Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE¼ of SW¼ Section 29, a portion of Lot 1 of the SW¼ of SE¼, Section 29, a portion of Tract C of SW¼, Section 29, and Tract C of NE¼ of NW¼ and NW¼ of NE¼, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet; Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a

distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course: S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99 feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course:

S53°54'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°03'27"E, a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°22'08"E, a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of 16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W,

a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W", a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning; and, a portion of the W½ of the SW¼ of Section 29, and a portion of the E½ of the SE¼ of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N32°32'41"W, a distance of 1491.89 feet, to the point of beginning; Thence, first course: N28°46'21"E, a distance of 193.37 feet; Thence, second course: S61°13'39"E, a distance of 81.34 feet; Thence, third course: 28°49'13"E, a distance of 298.23 feet; Thence, fourth course: S61°10'47"E, a distance of 68.21 feet; Thence fifth course: S61°13'39"E, a distance of 412.11 feet; Thence sixth course: S61°47'58"E, a distance of 109.05 feet; Thence seventh course: N04°14'01"W, a distance of 123.08 feet; Thence eighth course: N16°14'15"W, a distance of 138.20 feet; Thence ninth course: N11°50'56"W, a distance of 36.22 feet; Thence tenth course: N61°13'39"W, a distance of 287.41 feet; Thence eleventh course: N72°34'45"W, a distance of 79.09 feet; Thence twelfth course: S12°17'44"W, a distance of 21.89 feet; Thence thirteenth course: S11°45'53"W, a distance of 74.39 feet; Thence fourteenth course: S29°26'19"W, a distance of 108.19 feet; Thence fifteenth course: S28°46'23"W, a distance of 5.63 feet; Thence sixteenth course: N61°10'47"W, a distance of 62.74 feet; Thence seventeenth course: N28°49'13"E, a distance of 144.32 feet; Thence eighteenth course: N60°40'09"W, a distance of 81.72 feet; Thence nineteenth course: N28°46'21"E, a distance of 18.93 feet; Thence twentieth course: S80°48'13"E, a distance of 86.02 feet; Thence twenty-first course: N08°39'57"E, a distance of 139.34 feet; Thence twenty-second course: N28°46'21"E, a distance of 88.06 feet; Thence twenty-third course: S61°13'39"E, a distance of 40.33 feet; Thence twenty-fourth course: N59°10'51"E, a distance of 35.56 feet; Thence twenty-fifth course: S61°13'39"E, a distance of 354.47 feet; Thence twenty-sixth course: S07°29'34"W, a distance of 52.04 feet; Thence twenty-seventh course: S28°46'21"W, a distance of 129.34 feet; Thence twenty-eighth course: S61°27'03"E, a distance of 54.85 feet; Thence twenty-ninth course: N73°46'21"E, a distance of 129.34 feet; Thence thirtieth course: S57°58'40"E, a distance of 40.43 feet; Thence thirty-first course: S00°05'13"W, a distance of 137.67 feet; Thence thirty-second course: S28°13'35"W, a distance of 34.62 feet; Thence thirty-third course: S70°01'59"W, a distance of 89.45 feet; Thence thirty-fourth course: S08°21'44"E, a distance of 74.30 feet; Thence thirty-fifth course:

S00°56'32"E, a distance of 90.49 feet; Thence thirty-sixth course: S77°43'49"E, a distance of 267.11 feet; Thence thirty-seventh course: S72°57'11"E, a distance of 151.99 feet; Thence thirty-eighth course: S77°27'28"E, a distance of 10.43 feet; Thence thirty-ninth course: N17°37'42"E, a distance of 63.95 feet; Thence fortieth course: N00°05'48"E, a distance of 239.04 feet; Thence forty-first course: N28°14'45"E, a distance of 61.36 feet, to a point of curve; Thence forty-second course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 07°28'23", a length of 71.74 feet, a chord bearing of S50°13'34"E, and chord distance of 71.69 feet, to the point of tangency; Thence forty-third course: S38°54'51"E, a distance of 61.96 feet, to a point of curve; Thence forty-fourth course: curving to the right, on a curve with a radius of 682.20 feet, a delta angle of 08°10'18", a length of 97.30 feet, a chord bearing of S34°49'42"E, and chord distance of 97.22 feet, to the point of tangency; Thence forty-fifth course: S24°04'47"W, a distance of 31.13 feet; Thence forty-sixth course: S30°12'35"E, a distance of 38.33 feet; Thence forty-seventh course: S58°47'41"W, a distance of 83.19 feet; Thence forty-eighth course: S19°01'01"W, a distance of 166.07 feet; Thence forty-ninth course: S26°43'15"W, a distance of 40.45 feet; Thence fiftieth course: S18°46'19"W, a distance of 202.68 feet; Thence fifty-first course: S05°15'41"E, a distance of 31.14 feet; Thence fifty-second course: N83°27'45"W, a distance of 31.29 feet, to a point of curve; Thence fifty-third course: curving to the right, on a curve with a radius of 199.60 feet, a delta angle of 22°10'38", a length of 77.26 feet, a chord bearing of N72°23'46"W, and chord distance of 76.78 feet, to the point of tangency; Thence fifty-fourth course: N61°18'27"W, a distance of 435.06 feet; Thence fifty-fifth course: N18°02'17"W, a distance of 69.74 feet; Thence fifty-sixth course: N61°13'39"W, a distance of 584.79 feet; Thence fifty-seventh course: S78°33'40"W, a distance of 9.22 feet; Thence fifty-eighth course: S28°46'27"W, a distance of 97.40 feet; Thence fifty-ninth course: S12°38'26"E, a distance of 10.13 feet; Thence sixtieth course: S61°13'39"E, a distance of 607.36 feet; Thence sixty-first course: S28°46'21"W, a distance of 134.83 feet; Thence sixty-second course: S41°43'18"E, a distance of 110.38 feet; Thence sixty-third course: S60°58'18"E, a distance of 301.99 feet; Thence sixty-fourth course: S60°26'18"E, a distance of 75.50 feet; Thence sixty-fifth course: S71°24'56"E, a distance of 89.33 feet; Thence sixty-sixth course: S28°44'21"E, a distance of 46.82 feet; Thence sixty-seventh course: S71°13'14"E, a distance of 10.01 feet; Thence sixty-eighth course: S19°57'24"W, a distance of 79.24 feet; Thence sixty-ninth course: S00°24'43"E, a distance of 64.90 feet; Thence seventieth course: N71°18'35"W, a distance of 10.20 feet, to a point of curve; Thence seventy-first course: curving to the right, on a curve with a radius of 71.12 feet, a delta angle of 49°16'09", a length of 61.16 feet, a chord bearing of N46°40'31"W, and chord distance of 59.29 feet, to the point of tangency; Thence seventy second course: N22°02'26"W, a distance of 104.81 feet, to a point of curve; Thence seventy-third course: curving to the left, on a curve with a radius of 85.86 feet, a delta angle of 38°15'19", a length of 57.32 feet, a chord bearing of N41°10'06"W, and chord distance of 56.27 feet, to the point of tangency; Thence seventy-fourth course: curving to the right, on a curve with a radius of 250,555.22 feet, a delta angle of 00°16'44", a length of 1219.78 feet, a chord bearing of N61°00'35"W, and chord distance of 1219.77 feet, to the point of beginning, more generally described as being located south of Interstate 90 and Eglin Street between Luna Avenue and East North Street.

Elkins presented the staff's recommendation to approve the Planned Commercial Development request.

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

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

- 1. A building permit shall be obtained prior to construction of the parking lot;**
- 2. The parking requirement is hereby reduced from 2,307 parking spaces to 2,083 parking spaces, which includes six recreational vehicle spaces. In addition, 31 of the parking spaces shall be handicap accessible spaces. Four of the handicap spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 3. No overnight camping shall be allowed;**
- 4. The 50,000 square foot basement area of the Scheel's building shall be used exclusively for storage. Any other use of the basement shall require the review and approval of a Major Amendment to the Planned Commercial Development. In addition, additional parking shall be provided as needed for the use;**
- 5. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Commercial Development Plan or a subsequent Major Amendment; and,**
- 6. 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 Anderson, Brown, Gregg, Hennies, Landguth, 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.

Dominicak requested that items 10 and 11 be taken concurrently.

- *10. No. 08PD051 - Villaggio at Golden Eagle
A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for

a **Planned Residential Development - Initial and Final Development Plan** on a portion of the W½ of the NW¼ of the SE¼ of Section 22, located in the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

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.

11. No. 08RZ034 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W½ of the NW¼ of the SE¼ of Section 22, located in the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the



Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Dominicak presented the staff's recommendation to continue the Planned Residential Development and Rezoning requests to the October 23, 2008 Planning Commission meeting at the applicant's request.

Gregg moved, Scull seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan and the Rezoning from General Agriculture District to Low Density Residential District to the October 23, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

31. No. 08SR076 - Sections 16 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street** on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to October 23, 2008 Planning Commission meeting with the applicant's concurrence.

Brown moved, Marchand seconded and carried to continue the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street to the October 23, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*40. No. 08PD048 - Minnesota Ridge Subdivision

A request by Sperlich Consulting, Inc. for Black Hills Surgery Center to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 2 of Tract A of Minnesota Ridge Subdivision, located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4015 Fifth Street.

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

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

In response to Waltman's question, Tegethoff stated that the applicant has submitted a revised site plan. Discussion followed.

In response to Anderson's questions, Tegethoff identified the location of the proposed landscape islands on the subject property. Discussion followed.

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

- 1. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. Four of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 2. An exception is hereby granted to reduce the number of required landscape islands from three to two;**
- 3. A minimum of 84,506 landscaping points shall be provided. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. The lighting plan shall comply with Section 17.50.270 of the Rapid City Municipal Code;**
- 6. All signage conform to the design, color and location as shown in the previous sign package submitted as a part of the Initial and Final Planned Commercial Development;**
- 7. All applicable provisions of the International Fire Code shall be continually met;**
- 8. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained prior to issuance of a building permit;**
- 9. A sign permit must be obtained prior to installation of any signage;**
- 10. The requirement of a screening fence per Section 17.40.070 of the Rapid City Municipal Code is hereby waived as part of this Major Amendment to a Planned Commercial Development;**
- 11. Prior to issuance of a building permit, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; and,**
- 12. 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. (7 to 0 to 1 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no 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.

41. No. 08RZ027 - South Hill Subdivision

A request by Kent and Karin Hagg to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Catron Boulevard and north, west and south of Wellington Drive.

Tegethoff presented staff's recommendation to continue the Rezoning request to the October 23, 2008 Planning Commission meeting.

Brown moved, Marchand seconded and unanimously carried to continue the Rezoning from Low Density Residential District to General Agriculture District to the October 23, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Ball requested that items 42, 43 and 44 be taken concurrently.

42. No. 08SR017 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 E. Omaha Street.

43. No. 08SR018 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.

44. No. 08SR020 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 review requests to the October 23, 2008 Planning Commission meeting with the

applicant's concurrence.

In response to Anderson's questions, Elkins stated that the attached site plans were not complete.

Scull moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review requests to allow the construction of a sign on public property to the October 23, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

45. 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 a **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 request to the October 23, 2008 Planning Commission meeting.

Anderson stated that he would abstain from discussion and voting due to a conflict of interest.

Hennies moved, Marchand seconded and 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 to the October 23, 2008 Planning Commission meeting. (7 to 0 to 1 with Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no and Anderson abstaining)

46. No. 08SR062 - Section 10, T1N, R7E

A request by Rapid City Area School District No. 51/4 to consider an application for a **SDCL 11-6-19 Review to allow the construction of a storage shed on public property** on Lot A of the SW1/4 NW1/4 and the south ten feet of the vacated West Flormann Street, Section 10, unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3125 West Flormann Street.

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

In response to Anderson's questions, Ron Mincks, Buildings and Grounds with Rapid City Area School, stated that the shed will replace two existing shed. Discussion followed.

In response to Brown's questions, Mincks identified that the location of the shed

will face the gymnasium toward the west.

Scull moved, Marchand approved the SDCL 11-6-19 Review to allow the construction of a storage shed on public property. (7 to 1 with Anderson, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and Hennies voting no)

47. No. 08SR075 - Section 32, T2N, R8E

A request by Sperlich Consulting, Inc. for Tom Farrar to consider an application for a **SDCL 11-6-19 Review to allow improvements in a public right-of-way** on Lot B of Lot 1 of the NW1/4 of the SW1/4 less Lot H1 and Lot H2, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of North Campbell Street and East North Street.

Tegethoff presented the staff's recommendation to deny the SDCL 11-6-19 Review request without prejudice with the applicant's concurrence.

Hennies moved, Gregg seconded and unanimously carried to deny the SDCL 11-6-19 Review to allow improvements in a public right-of-way without prejudice. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

48. No. 08SR081 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct public streets and utilities** on Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4, Section 22 and the NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4 of Section 22 and the NE1/4 NE1/4, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a

point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the

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south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the October 23, 2008 Planning Commission meeting. Discussion followed.

Brown moved, Gregg seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements to October 23, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

**ADDENDUM TO
AGENDA
CITY OF RAPID CITY PLANNING COMMISSION
October 9, 2008 at 7:00 a.m.**

48A. 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 a **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.

Fisher presented the staff's recommendation to approve northern control vault and piping as identified on the exhibit and to continue the remainder of the SDCL 11-6-19 Review request for the southern control vault.

Fisher identified the location control vault to be approved on the subject property.

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

Brown moved, Hennies seconded to approve in part and continue in part the SDCL request. (7to 0 to 1 with Brewer, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no and Anderson abstaining)

49. Discussion Items

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Elkins stated that the Planning Commission could elect a new Chairperson and Vice-Chairperson at this time. Elkins identified the options available to the Planning Commissioners.

Landguth recommended that the Planning Commission elect a new Chairperson and Vice-Chairperson at this time.

Brown agreed that the Planning Commission should elect a new Chairperson and Vice-Chairperson.

Brown nominated and Anderson seconded the nomination of Karen Waltman as Chairperson. (8 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Anderson stated that he would be agreeable to continuing to serve as Secretary to the Planning Commission.

Anderson moved and Marchand seconded the nomination of Thomas Hennies as Vice-Chairperson. (8 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

50. Staff Items

51. Planning Commission Items

In response to Waltman's question regarding setting a training session for Planning Commissioners, Elkins stated that staff would set a new training session after the appointment of a new Planning Commissioner.

52. Committee Reports

- A. City Council Report (September 15, 2008)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Landguth moved, Brown seconded and unanimously carried to adjourn the meeting at 7:31 a.m. (8 to 0 with Anderson,

