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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 8, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Ida Fast Wolf, Thomas Hennies, Sandra Runde and Karen Waltman. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Emily Fisher, Mary Bosworth, Todd Peckosh, Bill Knight, Kevin Lewis, and Carol Campbell.

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

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

Runde requested that Item 4 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Hennies, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Item 4. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 22, 2007 Planning Commission Meeting Minutes.
2. No. 06PL028 - Bar P-S Subdivision
A request by Davis Engineering, Inc. for Bernita White to consider an application for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south west curve of North Airport Road.

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

1. **Upon submission of the Final Plat application, nine feet six inches of additional right-of-way shall be identified along Aviation Road for that portion that abuts the property being subdivided; and,**
2. **Upon submission of the Final Plat application a non-access**

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easement shall be identified along the full frontage of Aviation Road.

3. No. 06PL169 - Section 7, T1S, R7E

A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

Planning Commission recommended that the Preliminary Plat be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

5. No. 07CA001 - Fountain Springs Park Subdivision

A request by City of Rapid City to consider an application for **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72 $^{\circ}$ 10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00 $^{\circ}$ 02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; Thence N89 $^{\circ}$ 41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 monumented with an Iron rod; Thence N89 $^{\circ}$ 55'39"E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 to a point; Thence N00 $^{\circ}$ 01'21"W 325.13 feet to a point; Thence S89 $^{\circ}$ 58'39"W 122.54 feet to a point; Thence N24 $^{\circ}$ 44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41 $^{\circ}$ 33'15"W at a distance of 100.51 feet; Thence N17 $^{\circ}$ 50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

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

6. No. 07CA002 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan** on a parcel of land in the NW1/4 of the SW1/4 of Section 26 and the NE1/4 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

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being more particularly described as follows: Commencing at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the True Point of Beginning, a point to become the new Northeast corner of Block 3 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; Thence through a non-tangent curve to the right having a radius of 230.00 feet and a chord bearing of N89°07'20"W and a chord length of 147.40 feet; Thence N70°22'48"W, 53.56 feet to a point, Said point being monumented with an Iron rod; Thence through a non-tangent curve to the right having a radius of 333.35 feet and a chord bearing of S38°32'11"W and a chord length of 158.68 feet to a point: Thence S00°01'15"E, 367.96 feet to a point, Said point being monumented with an Iron rod; Thence N89°40'53"E, 407.99 feet, Said point being monumented with an Iron rod and defining the location of the North-South section line between Sections 26 & 27. Thence N89°55'22"E, 375.38 feet to a point; Thence N00°04'38"W, 316.22 feet to a point; Thence N84°29'24"W, 52.96'; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220.00 feet to the Northeast corner of Block 3, being the True Point of Beginning, more generally described as being located south of the intersection of Harmony Heights Lane, Plaza Drive and Sunny Springs Drive.

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

7. No. 07CA003 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of North Plaza Drive and Fountain Plaza Drive.

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

8. No. 07CA004 - New Park Subdivision

A request by City of Rapid City to consider an application for **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development** on Lots 1 thru 6 of Tract A and Lots 7 and 8 of Tract B all of Lot 1 of New Park Subdivision (formerly Tracts A and B of Lot 1 of New Park Subdivision) located in the NW1/4 of the SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

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

9. No. 07CA005 - Section 22, T1N, R7E

A request by Boschee Engineering for OTS, Inc. to consider an application for an **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on a parcel of land described as the SW1/4 of Section 22, T1N, R7E, and the N1/2 of the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Nugget Gulch Road.

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

10. No. 07PL015 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield

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Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence,

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northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning., more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission recommended that the Preliminary Plat be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 07PL024 - Section 14, T1N, R6E

A request by Joe Ratigan to consider an application for a **Layout Plat** on the NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8109 and 8115 West Highway 44.

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

1. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
2. **Upon submittal of a Preliminary Plat a grading and erosion plan shall be submitted for review and approval;**
3. **Upon the submittal of a Preliminary Plat application, construction plans for the east-west section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer, or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be**

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- vacated. In addition, a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way if needed;
4. Upon the submittal of a Preliminary Plat application, construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer, or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. In addition, a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way if needed;
 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-sight wastewater treatment systems are proposed, then an on-sight wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-sight wastewater treatment systems shall be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat, drainage information shall be submitted for review and approval. In particular the drainage plan shall include calculations demonstrating that developed flows from the sight do not exceed predeveloped flows;
 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. 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;
 9. Prior to submittal of a Preliminary Plat, the applicant shall submit a proposed street name to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name.
 10. Prior to submittal of a Final Plat application, the northern portion of the subject property shall be rezoned to Low Density Residential, or a variance shall be obtained to reduce the lot size requirement from Pennington County and,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
12. No. 07PL026 - Red Rock Estates
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 6A and Lot 6B of Block 19 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Block 19 of Red Rock Estates, located in the SE1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Ainsdale Court.

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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 the access easement shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 20 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Lot 6A as a flagpole lot or a Major Amendment to the Planned Residential Development shall be obtained waiving the requirement that Lot 6A abut a street right-of-way;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

13. No. 07PL029 - Word of Hope Subdivision

A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Preliminary Plat** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit the required information.

14. No. 07SR013 - Catron Crossing

A request by Boschee Engineering for OTS, Inc. to consider an application for an **SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street** on SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Nugget Gulch Drive.

Planning Commission approved the SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street.

---END OF NON HEARING ITEMS CONSENT CALENDAR---

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4. No. 06PL191 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Preliminary Plat** on Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of South Highway 16 and south of Fox Road.

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

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

1. **Prior to approval by City Council the applicant shall address all red line comments on the submitted construction plans;**
2. **Prior to approval by City Council, construction plans for US Highway 16 Service Road shall be submitted for review and approval showing a minimum 26 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer, or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to approval by City Council, the applicant shall submit a cost estimate of the subdivision improvements for review and approval;**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (7 to 0 1 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, and Waltman voting yes and none voting no and Runde abstaining)**

---HEARING ITEMS CONSENT CALENDAR---

Brown announced that the Public Hearings on Items 15 through 28 were opened.

Staff requested that Item 21 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 15 and 17 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 15, 17 and 21 be removed from the Hearing Consent Agenda for separate consideration.

Brewer moved, Runde seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 through 28 in accordance with the staff

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recommendations with the exception of Items 15, 17 and 21. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

The Public Hearings for Items 15 through 28 were closed.

16. No. 06SV066 - Section 7, T1S, R7E

A request by Boschee Engineering for Dr. Don Oliver 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, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement along Wilderness Canyon Road and an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

*18. No. 07PD001 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for William Donhiser to consider an application for a **Planned Commercial Development - Initial & Final Development Plan** on Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Bendt Drive and Catron Boulevard.

Planning Commission continued the Planned Commercial Development - Initial & Final Development Plan to the March 22, 2007 Planning Commission meeting at the applicant's request.

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

*19. No. 07PD003 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lot 1B of Starlite Subdivision, located in the SW1/4 SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally

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described as being located southeast of the intersection of Beale Street and Dyess Avenue and north of Eglin Street.

Planning Commission continued the Planned Light Industrial Development - Initial and Final Development Plan to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

*20. No. 07PD004 - 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 SE1/4 of the NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Government Lot 3 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, 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 one-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, (Said tract of land contains 19.90 acres or 866,706 square feet, more or less); and, a parcel of land located in the NE1/4 of the SW1/4, 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

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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, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less, to a point marked by a rebar with surveyor cap "RW FISK 6565"; thence, $S89^{\circ}47'47''W$, 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, $N22^{\circ}39'36''W$, 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, $N01^{\circ}44'10''W$, 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, $N26^{\circ}46'20''E$, 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 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, $N27^{\circ}11'29''E$, 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, $N19^{\circ}26'44''E$, 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, $N02^{\circ}40'24''E$, 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, $S89^{\circ}59'08''W$, 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

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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

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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 1/4 section line and the northwest corner of the NE1/4 of the SW1/4 of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the 1/4 section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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. 07RZ011 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on the unplatted portion of the NW1/4 SE1/4 north of Interstate 90 and Lot E of the S1/2 SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and west of North Elk Vale Road.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met.

23. No. 07SV005 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City**

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Municipal Code on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less;

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thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of

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Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning., more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

24. No. 07SV006 - Section 14, T1N, R6E

A request by Joe L. Ratigan to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on the NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8109 and 8115 West Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation.

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

25. No. 07SV010 - Word of Hope Subdivision

A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, or install sidewalk on Jolly Lane; and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, to install sidewalk on Jolly Lane, and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 22, 2007 Planning Commission

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meeting to be heard in conjunction with the Preliminary Plat.

26. No. 755 – Schlottman Addition

A request by City of Rapid City to consider an application for a **Dissolution of Tax Increment District No. 17** on Lots O Revised and U Revised of Tract A of Schlottman Addition, and the adjacent public Right-of-way located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2351 Sedivy Lane and 2350 E. St. Patrick Street.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 17 be approved.

*27. No. 07UR001 - Sections 29 and 32, T2N, R8E

A request by RCS Construction, Inc. for AIRC to consider an application for a **A Major Amendment to a Conditional Use Permit to allow a warehouse in excess of 5,000 square feet and using delivery vehicles in excess of 1 ½ ton capacity or more than five delivery vehicles in a General Commercial District. The proposed Major Amendment will expand the office area on Lot 2, less Lot H2 located in the SE1/4 SE1/4, Section 29, T2N, R8E, and Tract F, less Lot 1, located in the N1/2 NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Eglin Street and at the southwest corner of the Dyess Avenue and Eglin Street.**

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow a warehouse in excess of 5,000 square feet and using delivery vehicles in excess of 1 ½ ton capacity or more than five delivery vehicles in a General Commercial District with the following stipulations:

- 1. Prior to Planning Commission approval the applicant shall submit plans showing the adequacy and location of any existing holding tanks, as well as provide a pumping plan for review and approval;**
- 2. Prior to Planning Commission approval the applicant shall submit for review and approval a revised sight plan that shows an additional handicap parking space;**
- 3. Prior to Planning Commission approval the applicant shall provide documentation that a drainage easement has been obtained from Dakota, Montana, & Eastern Railroad for the portion of the storm water detention pond, which is located on the railroad right-of-way;**
- 4. Prior to issuance of a Building Permit the applicant shall obtain a right-of-way permit from the City of Rapid City Public Works Department for work done within the Elgin Street right-of-way; and,**
- 5. The applicant shall submit for review and approval revised construction plans showing the additional office space to be constructed. In addition the applicant shall obtain an updated Building Permit before any portion of the proposed addition is constructed.**

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.

28. No. 07VR001 - Sections 22 and 27, T1N, R7E

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Vacation of Section Line Highway** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, and the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sheridan Lake Road and Wildwood Drive.

Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulations:

- 1. Prior to City Council approval, written documentation shall be received from all the affected utility companies concurring with the vacation of Section Line Highway request; and,**
- 2. Prior to City Council approval, all necessary miscellaneous documents required to secure utility easements for the existing and proposed utilities shall be recorded at the Register of Deed's Office.**

---END OF HEARING CONSENT CALENDAR---

15. No. 06CA028 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4

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SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of Lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: a portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right-of-Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of I-90 between North LaCrosse Street and East North Street.

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

Brewer moved, Hennies seconded and carried to recommend that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street be approved. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies and Runde voting yes and none

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voting no and Waltman abstaining)

17. No. 06SV079 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the U.S. Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Promise Road and U.S. Highway 16 South.

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

Brewer moved, Hennies seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water, along the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment of the improvements. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies and Waltman voting yes and none voting no Runde abstaining)**

21. No. 07RZ010 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on that part of the SW1/4 north of I-90 including Lot 3 of Starlite Subdivision, less GLM Subdivision No. 2 and less Right-of-way; all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue and north of Interstate 90.

Dominicak stated that staff recommends that the Rezoning request be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to post the required sign on the subject property.

Brewer moved, Waltman seconded and unanimously carried to recommend that the Rezoning from General Agriculture District to General Commercial District be continued to the March 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

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29. No. 06SR089 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for Jamie Gerlach to consider an application for an **SDCL 11-6-19 Review to allow the extension of public utilities** on Lots 1 thru 12 of Block 5 of Rapid Valley Subdivision located in the N1/2 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sedivy Lane and East St. Francis Street.

Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request to the March 22, 2007 Planning Commission meeting.

Hennies moved, Runde seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of public utilities to the March 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

Tegethoff requested that items 30 and 31 be taken concurrently.

30. No. 07CA008 - Marlin Industrial 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 General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

31. No. 07RZ012 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

Tegethoff stated that staff recommends that the Comprehensive Plan Amendment and Rezoning requests be continued to the March 22, 2007 Planning Commission meeting.

Hennies moved, Runde seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met and to be heard in conjunction with the associated Rezoning from No Use District to Low Density Residential District. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

Fisher requested that items 32 and 33 be taken concurrently.

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32. No. 07PL025 - Commerce Park Subdivision

A request by Sperlich Consulting, Inc. for Robert Scull to consider an application for a **Preliminary Plat** on Lots 1 thru 10 of Block 2 of Commerce Park Subdivision, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road.

33. No. 07SV007 - Commerce Park Subdivision

A request by Sperlich Consulting, Inc. for Robert Scull to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 10 of Block 2 of Commerce Park Subdivision, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road.

Fisher presented the Preliminary Plat and Variance to the Subdivision Regulations requests. Fisher stated that staff recommends that the Preliminary Plat and Variance to the Subdivision Regulations requests be approved with stipulations. Discussion followed.

Kale McNaboe, Sperlich Consulting, identified the fire flows on the subject property. McNaboe requested that stipulation number 2 be modified that "approval prior to City Council". Discussion followed.

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

- 1. Prior to Preliminary Plat approval by the City Council, the street construction plans for Sophia Court shall be revised to show the street extending to the east lot line of the subject property. In particular, the construction plans shall show the street located within a 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, water system plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, construction**

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- plans showing the construction of a sewer main along Fountain Plaza Drive located north of the intersection of Sophia Court and Fountain Plaza Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show drainage easements as needed;
 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a 50 foot non-access easement along the corners of Lot 1 and Lot 8 measured from the end of curb radius;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

Fisher requested that items 34 and 35 be taken concurrently.

34. No. 07PL028 - Harney Peak View Addition
A request by D. C. Scott Co. Land Surveyors for Floyd and Carla Jakeway to consider an application for a **Preliminary Plat** on Lot 4R of Block 5 of the replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3712 Dawn Lane.
35. No. 07SV009 - Harney Peak View Addition
A request by D. C. Scott Co. Land Surveyors for Floyd and Carla Jakeway to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on School Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot

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4R of Block 5 of the replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3712 Dawn Lane.

Fisher presented the Preliminary Plat and Variance to the Subdivision Regulations requests. Fisher stated that staff recommends that the Preliminary Plat and Variance to the Subdivision Regulations requests be approved with stipulations.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to City Council approval of the Preliminary Plat, construction plans for Dawn Lane shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 4.5 feet of additional right-of-way;**
- 3. Prior to City Council approval of the Preliminary Plat, construction plans for School Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along School Drive;**
- 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and additional pavement along School Drive be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and water along School Drive be denied without prejudice;

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That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement along Dawn Lane be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install water along Dawn Lane be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Dawn Lane be denied without prejudice. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

*36. No. 07PD008 - Original Town of Rapid City

A request by TSP Three, Inc. for Bob Brandt to consider an application for a **Planned Commercial Development - Initial Development Plan** on Dan's Supermarket Tract Revised less Lot 1 (also in Block 67) and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 3rd Street.

Fisher presented the Planned Commercial Development request. Fisher stated that staff recommends that the Planned Commercial Development request be approved with stipulations.

In response to Anderson's questions, Fisher stated that the applicant would be required to modify the proposed dimension of the structure in the sight triangle. Elkins noted the setback criteria for commercial development. Discussion followed.

In response to Derby's questions, Elkins identified the parking requirements for peak hours for commercial development. Lengthy discussion followed.

In response to Hennies' questions, Fisher stated that the applicant is not in concurrence with stipulations one and three the applicant was not in concurrence. Lengthy discussion followed regarding the dimension of the proposed structure in relation to the sight triangle on the subject property.

Bob Brandt, applicant, reviewed the calculations used to determine the sight triangle as it relates to the proposed structure on the subject property. Brandt requested that the Planning Commission approve the requested reduction in parking spaces required by the Parking Regulation and further to approve the location and dimension of the proposed structure. Lengthy discussion followed.

Discussion followed regarding an on-sale liquor establishment.

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

In response to Waltman's question, Brandt stated that any changes in the

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proposed uses would need to be brought back to Planning Commission for review and approval.

Brewer expressed his support for the reduction in parking. Brewer suggested that 235 parking spaces would be sufficient for the proposed development for the motion maker. Brewer expressed his opinion that parking requirements on development applications be reviewed on a case by case basis

Elkins reviewed the possibility of precedent when requests are granted for reducing the parking requirements for proposed development applications. Discussion followed.

Derby expressed his support for the proposed development on the subject property. Derby expressed concern for parking and use requirements. Elkins reviewed the options available when the use changes of the proposed development. Discussion followed.

Hadcock expressed her support of the proposed reduction in parking and the proposed development of the subject property. Hadcock expressed her opinion that parking requirements on development applications be reviewed on a case by case basis Discussion followed.

Brenden expressed his concern for over-development of the subject property. Brenden expressed his concern for the reduction in parking and the encroachment in the sight triangle and possible safety issues.

Hennies moved, Fast Wolf seconded and carried to approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

- 1. The request to reduce the parking requirement for Phase One and Phase Two from 277 parking spaces to 235 parking spaces is hereby approved. Upon submittal of a Final Development Plan, the sight plan shall be revised to provide 10 additional parking spaces or the proposed use(s) of the property shall be reduced and/or revised to provide the minimum number of off-street parking spaces required by the Rapid City Municipal Code. In particular, upon submittal of a Final Development Plan for Phase One, a minimum of 209 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the spaces shall be "van" handicap accessible. Upon submittal of a Final Development Plan for Phase Two, a minimum of 26 parking spaces shall be provided;**
- 2. The request to reduce the access aisle width from 26 feet to 24 feet for the two access aisles located between the existing Dan's Supermarket building and the proposed restaurant is hereby granted;**
- 3. The request to reduce the front yard setback from 25 feet to three feet for the proposed strip mall to be located along the southern property line for a distance of 265 feet is hereby approved contingent upon the applicant entering into an agreement to hold harmless the City for the existing storm sewer located along the north side of the Rapid Street**

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- right-of-way and the requirement that all entrances to the south side of the building be limited to service entrances only with no overhead doors. In addition, that portion of the southwest corner of the building located in the sight triangle shall be removed. No further expansion of the proposed strip mall shall be allowed unless a Major Amendment to the Planned Commercial Development is approved;
4. The request to waive the requirement to provide a loading area for the 13,300 square foot strip mall is hereby granted;
 5. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved;
 6. Prior to submittal of a Final Commercial Development Plan, all necessary changes shall be made to the sight plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 7. Upon submittal of a Final Commercial Development Plan application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;
 8. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;
 9. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance;
 10. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, shall be submitted for review and approval. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign;
 11. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, 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;
 12. Upon submittal of a Final Commercial Development Plan application, elevations of the screening fence for the dumpster shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
 13. Upon submittal of a Final Commercial Development application, the sight plan shall be revised eliminating the eight foot wide loading zone designation in the Rapid Street right-of-way;
 14. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties,

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- including rooftop facilities;
15. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of the existing and proposed structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
 16. The International Fire Code shall be continually met. In particular, the structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 17. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
 18. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment;
 19. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
 20. 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.

In response to Anderson's question, Brandt advised that the canopy has already been removed from the existing building.

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

Lengthy discussion followed regarding stipulation number three addressing the sight triangle.

Anderson requested a friendly amendment to modify the sight triangle stipulation as per the proposed new Design Criteria Manual specifications. Discussion followed.

Hennies accepted the addition to modifications of the site triangle as a friendly amendment, The seconder Fast Wolf also accepted the friendly amendment. The motion carried to approve the Planned Commercial

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Development - Initial Development Plan with the following stipulations:

- 1. The request to reduce the parking requirement for Phase One and Phase Two from 277 parking spaces to 235 parking spaces is hereby approved. Upon submittal of a Final Development Plan, the sight plan shall be revised to provide 10 additional parking spaces or the proposed use(s) of the property shall be reduced and/or revised to provide the minimum number of off-street parking spaces required by the Rapid City Municipal Code. In particular, upon submittal of a Final Development Plan for Phase One, a minimum of 209 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the spaces shall be "van" handicap accessible. Upon submittal of a Final Development Plan for Phase Two, a minimum of 26 parking spaces shall be provided;**
- 2. The request to reduce the access aisle width from 26 feet to 24 feet for the two access aisles located between the existing Dan's Supermarket building and the proposed restaurant is hereby granted;**
- 3. The request to reduce the front yard setback from 25 feet to three feet for the proposed strip mall to be located along the southern property line for a distance of 266 feet is hereby approved contingent upon the applicant entering into an agreement to hold harmless the City for the existing storm sewer located along the north side of the Rapid Street right-of-way and the requirement that all entrances to the south side of the building be limited to service entrances only with no overhead doors. No further expansion of the proposed strip mall shall be allowed unless a Major Amendment to the Planned Commercial Development is approved;**
- 4. An Exception is hereby granted to allow that portion of the southwest corner of the building to be located in the sight triangle with the requirement that the building not be located in the draft sight triangle being considered for possible adoption as part of the revision to the Street Design Criteria Manual;**
- 5. The request to waive the requirement to provide a loading area for the 13,300 square foot strip mall is hereby granted;**
- 6. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved;**
- 7. Prior to submittal of a Final Commercial Development Plan, all necessary changes shall be made to the sight plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 8. Upon submittal of a Final Commercial Development Plan application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;**
- 9. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;**
- 10. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the**

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- landscaping plan shall comply with all requirements of the Zoning Ordinance;
11. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, shall be submitted for review and approval. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign;
 12. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, 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;
 13. Upon submittal of a Final Commercial Development Plan application, elevations of the screening fence for the dumpster shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
 14. Upon submittal of a Final Commercial Development application, the sight plan shall be revised eliminating the eight foot wide loading zone designation in the Rapid Street right-of-way;
 15. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 16. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of the existing and proposed structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
 17. The International Fire Code shall be continually met. In particular, the structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 18. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
 19. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment;
 20. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
 21. The Planned Commercial Development shall expire if the use is not

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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. (6 to 0 to 2 with Anderson, Brewer, Brown, Derby, Fast Wolf and Hennies voting yes and none voting no and with Runde 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.

37. No. 07SR011 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street** on a parcel of land located in the SW1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the north center 1/16th corner of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, said corner being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southerly along the one-quarter 1/4 section line, S00°05'16"E, a distance of 135.90 feet, more or less, to the point of beginning, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, N90°00'00"E, a distance of 631.62 feet, more or less, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, curving to the left on a curve with a radius of 462.00 feet, a delta of 09°39'31" an arc length of 77.88 feet, and a chord bearing of N85°10'15"E and chord distance of 77.79 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southeasterly along the westerly edge of said Concourse Drive right-of-way and curving to the right on a curve with a radius of 438.53 feet, a delta of 09°57'02" an arc length of 76.16 feet, and a chord bearing of S07°07'13"E and chord distance of 76.06 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southwesterly and curving to the right on a curve with a radius of 538.00 feet, a delta of 09°17'59", an arc length of 87.32 feet, and a chord bearing of S85°21'00"W and chord distance of 87.23 feet, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, S90°00'00"W, a distance of 631.51 feet, more or less to a point located on the one-quarter 1/4 section line of said Section 4, said point being marked by a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, northerly along said 1/4 section line, N00°05'16"W, a distance of 76.00 feet, more or less, to the point of beginning, more generally described as being located the extension of

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Homestead Street west of Concourse Drive.

Fisher presented the SDCL 11-6-19 Review. Fisher stated that staff recommends that the SDCL 11-6-19 Review be approved with stipulations.

Brewer moved, Hennies seconded and unanimously carried to approve the SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street with the following stipulations:

1. **Prior to Planning Commission approval, the construction plans shall be revised to show street light conduit;**
2. **The request to waive sewer along this section of Homestead Street is hereby granted;**
3. **Prior to Planning Commission approval, the grading limits shall be shown to determine right-of-way and easement limits;**
4. **Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
5. **Prior to Planning Commission approval, construction details of the box culvert shall be submitted for review and approval. In addition, a drainage easement for the box culvert shall be recorded at the Register of Deed's Office as needed; and,**
6. **Prior to Planning Commission approval, the construction plans shall be revised to show the water main within the H Lot or a water main easement shall be recorded at the Register of Deed's Office. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)**

38. No. 07SR012 - Rapid City Greenway Tract

A request by Humane Society of the Black Hills to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 27 (Also in Section 6, T1N, R8E) of the Rapid City Greenway Tract, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125 Waterloo Street.

Tegethoff presented the SDCL 11-6-19 Review request. Tegethoff stated that staff recommends that the SDCL 11-6-19 Review be approved with stipulations.

Hennies moved, Waltman seconded and unanimously carried to approve the 11-6-19 SDCL Review request to allow temporary structures on public property with the following stipulation:

1. **Prior to Planning Commission approval, the applicant shall obtain a floodplain development permit for the proposed structures located in the floodplain. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)**

39. No. 07SR014 - Section 22, T1N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a public sewer** on the W1/2 NW1/4 SE1/4

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less Spring Brook Acres Subdivision, and less Lot H2; NW1/4 SW/14 SE1/4; and Catron Boulevard Right-of-way located adjacent to Lot 2, Potts Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Catron Boulevard, Vineyard Lane, and the western terminus of Golden Eagle Drive.

Fisher stated that staff recommends that the SDCL 11-6-19 Review request be continued to the March 22, 2007 Planning Commission meeting at the applicant's request.

Runde moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to the March 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

40. No. 07SV008 - Medicine Ridge Subdivision

A request by Sperlich Consulting, Inc. for Schriener Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2, Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4 excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Enchantment Road and east of Enchanted Pines Drive.

Smith presented the Variance request. Smith stated that staff recommends that the Variance request be continued to the March 22, 2007 Planning Commission meeting at the applicant's request.

Brewer moved, Hennies seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code to the March 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

*41. No. 07UR002 - Radio Tower Addition

A request by Kennedy Design Group, Inc. for Wyngard Pot-o-Gold Casino, Inc. d/b/a Lucky D's Casino to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lot 1 less H1; Lot 2; south 2.5 feet of Lot 3; vacated alley adjacent to said Lots, of Radio Tower Addition, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 St. Patrick Street.

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Smith presented Conditional Use Permit request. Smith stated that staff recommends that the Conditional Use Permit request be denied. Discussion followed.

In response to Hennies' question, Elkins stated that the proposed use is adjacent to residential neighborhoods. Elkins further noted additional possible negative impacts of an on-sale liquor establishment on the subject property adjacent to a residential neighborhood. Discussion followed.

Steve Wynia, applicant, requested that the Planning Commission approve the request. Wynia expressed his opinion that there is not an undue concentration. Wynia commented that he held a neighborhood meeting addressing concerns to the adjacent property owners.

In response to Derby's question, Wynia stated that he would be willing to stipulate to closing the establishment by 10:00 p.m.

In response to Derby's question, Elkins stated that the City Zoning Ordinance does not distinguish different types of on-sale liquor licenses.

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

Runde moved, Fast Wolf seconded and carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment.

Derby requested the motion be amended to stipulate that the hours of operation of the proposed On-Sale liquor establishment be from 7:00 a.m. to 10:00 p.m.

Runde accepted the addition of hours of operation as a friendly amendment, the seconder Fast Wolf also accepted the friendly amendment. The motion carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment with the following stipulation:

- 1. That the hours of operation be limited to 7:00 a.m. to 10:00 p.m. (7 to 0 to 1 with Anderson, Brewer, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no and Brown 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.

42. No. 07VE003 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of

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Prestwick Road and Muirfield Drive.

Tegethoff presented the Vacation request. Tegethoff advised that staff recommends that the Vacation request be approved with stipulations.

Hennies moved, Runde seconded and unanimously carried to recommend that the Vacation of a Non-Access Easement be approved with the following stipulations:

- 1. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval or a Special Exception to the Street Design Criteria Manual shall be submitted and approved to reduce the approach location from a minimum of 75 feet from the end of the curb radius as per Figure 8.1 of the Rapid City Street Design Criteria Manual to a minimum of 65 feet from the end of the curb radius, and;**
- 2. Prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street shall be submitted and approved for the subject property. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)**

43. No. 07TI001 - Sections 28 and 29, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 44 Revised Project Plan** on all of Section 28 lying north of U.S. Interstate 90 right-of-way, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot Dyess Avenue section line right-of-way north of U.S. Interstate 90 right-of-way located in the E1/2 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 between Elk Vale Road and Dyess Avenue.

Bulman presented the Revised Project Plan. Bulman stated that Tax Increment Financing Committee recommends that the Revised Project Plan be approved.

Brewer moved, Hennies seconded and unanimously carried to recommend that the Tax Increment District No. 44 Revised Project Plan be approved. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)

44. No. 07TI002 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 Revised Project Plan** on that portion of the Interstate 90 right-of-way lying in the SE1/4 NE1/4 and in the NE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract F, Marshall Heights Subdivision No. 2 and the Interstate 90 right-of-way lying south of and adjacent to Tract F, Marshall Heights Subdivision No. 2, all located in Section 30, T2N, R8E, BHM, Rapid City,

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Pennington County, South Dakota; and, That portion of the East Disk Drive right-of-way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right-of-way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right-of-way, entire Spruce Street right-of-way, and entire Rapp Street right-of-way all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right-of-way lying adjacent to Lot K-4 of Marshall Heights Tract and Lot 1 of Bedco Subdivision and including the entire intersection of North LaCrosse Street and Rapp Street, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4 SE1/4 lying north of the railroad right-of-way and the unplatted portion of the SW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the Dyess Avenue right-of-way lying in the S1/2 SW1/4 and the entire intersection of Dyess Avenue and Eglin Street all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Bulman presented the Revised Project Plan. Bulman stated that the Tax Increment Financing Committee recommends that the Revised Project Plan be approved.

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

In response to Anderson's question as to what qualifies as "necessary and convenient costs", Bulman stated that the "necessary and convenient costs" can be increases in costs and other unforeseen costs similar to a contingency costs.

Hennies moved, Runde seconded and unanimously carried to recommend that the Tax Increment District No. 56 Revised Project Plan (Second Revision) be approved. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies and Runde voting yes and none voting no and Waltman abstaining)

45. Discussion Items

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46. Staff Items
47. Planning Commission Items
48. Committee Reports
 - A. City Council Report (February 19, 2007)
The City Council concurred with the recommendations.
 - 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, Hennies moved, Runde seconded and unanimously carried to adjourn the meeting at 8:59 a.m. (8 to 0 with Anderson, Brewer, Brown, Derby, Fast Wolf, Hennies, Runde and Waltman voting yes and none voting no)