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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 22, 2007

MEMBERS PRESENT: Barb Collins, Mike Derby, Ida Fast Wolf, Julie Gregg, Thomas Hennies, Mike LeMay, Sandra Runde and Karen Waltman. Deb Hadcock, Council Liaison was also present

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

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

Hennies 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.

Staff requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration.

Waltman requested that Item 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Waltman, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 10 and 12. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 8, 2007 Planning Commission Meeting Minutes.
2. 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 April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.



3. No. 06SR077 – Section 4, T1S, R8E
A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Government Lot 4, except the east 410 feet, Section 4, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 9200 South Highway 79.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a communication facility.

4. No. 06SR084 – Section 8, T1S, R7E
A request by John M. Rowe, Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for an **SDCL 11-6-19 Review to allow the construction of a cellular tower and accessory structures** on NW1/4 of the SE1/4, including Lot X, except the Highway Right-of-Way and except Lot 1R of Wooded Acres Subdivision (including Wooded Acres Road), Section 8, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 13752 South Highway 16.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a cellular tower and accessory structures.

5. No. 07CA007 – Catron Crossing
A request by Boschee Engineering to OTS, Inc. to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre** on a parcel of land located in the SW1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 along the southwest section line of Section 22 and Sheridan Lake Road right-of-way; thence N31°32'20"E along a imaginary line, 481.85 feet to the true point of beginning; thence N26°16'50"E 166.37 feet; thence N00°00'00"W 112.04 feet; thence N12°21'02"E 160.14 feet; thence N23°19'30"E 120.85 feet; thence S68°58'39"E 24.58 feet; thence N53°48'13"E 78.46 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 48.25 feet; thence S89°51'52"W 240.83 feet; to the point of beginning, more generally described as being located south end of Bendt Drive.

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

6. 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 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 $S78^{\circ}05'02''W$ and chord distance of 14.03 feet; thence, $N12^{\circ}37'53''W$, 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 $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 142.69 feet, more or less, to a point on the north/south $\frac{1}{4}$ section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said $\frac{1}{4}$ section line, $S00^{\circ}05'16''E$, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said $\frac{1}{4}$ section line, $S00^{\circ}05'03''E$, a distance of 517.62 feet, more or less, to a point located on said $\frac{1}{4}$ section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said $\frac{1}{4}$ section line, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less; thence, $S89^{\circ}47'47''W$, 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, $N22^{\circ}39'36''W$, 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, $N01^{\circ}44'10''W$, 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, $N26^{\circ}46'20''E$, 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, $N27^{\circ}11'29''E$, 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, $N19^{\circ}26'44''E$, 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, $N02^{\circ}40'24''E$, 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 April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 April 5, 2007 Planning Commission meeting to allow the applicant to submit the required information.

8. No. 07PL034 – Murphy Ranch Estates Subdivision

A request by Ron Davis for Davis Engineering, Inc. to consider an application for a **Preliminary Plat** on Lots 8 thru 12 of Block 5; Lot 11 of Block 6; Lots 1 thru 3 of Block 7; and Lot 2 of Block 8 of Murphy Ranch Estates Subdivision, located on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the unplatted balance of Tract F on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and south of Longview Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 5, 2007 Planning Commission Meeting to allow the applicant to submit the required information.

9. No. 07PL035 – Hilltop Business Park

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 of Section 4 of T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 3 of Block 1 of Rushmore Business Park, located in the S1/2 NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on November 8, 2001 and filed in Book 30 of Plats on Page 101, said point being located on the southerly edge of Homestead Street right-of-way, and said point being marked by a nail; Thence, curving southeasterly to the left, along the southerly edge of Homestead Street right-of-way, along a curve with a radius of 538.00 feet, a delta of 35°01'57", an arc length of 328.95 feet, and a chord bearing of S72°30'31"E and a chord distance of 323.85 feet, to a point on the southerly edge of Homestead Street right-of-way, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, continuing easterly along the



southerly edge of Homestead Street right-of-way, S89°59'32"E, a distance of 232.16 feet, more or less, to a point along the westerly edge of Elk Vale Road right-of-way, said point being marked by a rebar with cap "RW Fisk 6565"; Thence, southerly along the westerly edge of Elk Vale Road right-of-way, S00°11'38"E, a distance of 196.45 feet, more or less, to the northeast corner of Lot A of 1R of Block 4 of Rushmore Regional Industrial Park, as shown on the plat recorded May 3, 2000 and filed in Book 29 of Plats on Page 148, said point being marked by a SDDOT monument; Thence, westerly along the north edge of said Lot A of Lot 1R of Block 4 of Rushmore Regional Industrial Park, and along the northerly edge of Lot 2 of Block 4 of Rushmore Regional Industrial Park, as shown on the plat recorded September 24, 1981 and filed in Book 18 of Plats on Page 103, S89°49'00"W, a distance of 541.37 feet, more or less, to the southeast corner of said Lot 3 of Block 1 of Rushmore Business Park, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, northerly along the easterly edge of said Lot 3 of Block 1 of Rushmore Business Park, N00°03'55"W, a distance of 295.55 feet, more or less, to the point of beginning, more generally described as being located southwest of the Intersection of Homestead Street and Elk Vale Road.

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

- 1. Prior to Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans for sidewalk along Homestead Street and Elk Vale Road, or a Variance to the Subdivision Regulations shall be obtained;**
 - 2. Prior to Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans for curb and gutter along Elk Vale Road, or a Variance to the Subdivision Regulations shall be obtained;**
 - 3. Prior to Preliminary Plat approval by City Council the applicant shall submit a revised plat document identifying a 200 foot non-access easement along Homestead Street measured from the end of the curb radius, and a shared access easement along the western boundary of the property if applicable;**
 - 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. 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;**
 - 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 - 7. Prior to issuance of a building permit the applicant shall submit for review and approval a grading plan, and a drainage plan.**
11. No. 07PL037 – Wright Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract A of Wright Subdivision, located in the N1/2 SW1/4 SE1/4 NE1/4; SW1/4 SW1/4 SE1/4 NE1/4 of Section 15, T1N, R7E, BHM, Rapid



City, Pennington County, South Dakota, legally described as unplatted portion in the N1/2 SW1/4 SE1/4 NE1/4; SW1/4 SW1/4 SE1/4 NE1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Skyline Ranch Road area.

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

1. **Prior to Preliminary Plat approval by the City Council, a final Wildland Fire Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the Wildland Fire Mitigation Plan shall be implemented;**
 2. **Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that all residential structures shall be sprinklered;**
 3. **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.**
13. 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 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public sewer to the April 5, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans.

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

10. No. 07PL036 - Red Rock Estates
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1A and 1B of Block 16 of Red Rock Estates, located in the SW1/4, Section 20 and the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 16 of Red Rock Estates, located in the NW1/4 of Section 29 and a tract of land being 2,147.5 feet by 233 feet, located in the SW1/4 of Section 20; all located in the T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Bethpage Drive.

Dominicak stated that staff recommends that the Preliminary Plat be withdrawn at the applicant's request.

Runde moved, LeMay seconded and unanimously carried acknowledge the



applicant's withdrawal of the Preliminary Plat. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

12. No. 07PL038 – Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, legally described as Lot BR of Lot 2 of the SE1/4 SW1/4 of Section 29; Lot C of Lot 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lot 1 of the SW1/4 SE1/4 Section 29; Lot A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lot 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lot H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lot M, located in the NW1/4 SE1/4 of Section 30; part of Lot K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Interstate 90 and North LaCrosse Street.

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

Runde moved, LeMay seconded and carried to recommend that the Preliminary Plat be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit the additional required information. (7 to 0 to 1 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Runde voting yes and none voting no and Waltman abstaining)

---HEARING ITEMS CONSENT CALENDAR---

Hennies announced that the Public Hearings on Items 14 through 32 were opened.

Staff requested that Item 28 be removed from the Hearing Consent Agenda for separate consideration.

Waltman requested that Items 16, 25 and 29 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 17 and 30 be removed from the Hearing Consent Agenda for separate consideration.

Runde moved, Collins seconded and unanimously carried to recommend approval

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of the Hearing Consent Agenda Items 14 through 32 in accordance with the staff recommendations with the exception of Items 16, 17, 25, 28, 29 and 30. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

The Public Hearings for Items 14 through 32 were closed.

14. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the April 5, 2007 Planning Commission meeting.

15. 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 April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.

*18. 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 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 April 5, 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.

*19. 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 south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°03'43"E, a distance of 781.29 feet, more or less, to a point marked by a



rebar with surveyor cap "RW FISK 6565"; thence, $S89^{\circ}47'47''W$, 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 of Plats on Page 195, $S71^{\circ}30'56''W$, 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

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Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of

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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 April 5, 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. 07PD011 - Stoney Creek South Subdivision

A request by Conrad's Big C Signs for William Donhiser to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lots 2 and 3 of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4 of the SW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5734 and 5622 Sheridan Lake Road.

Planning Commission approved the Major Amendment to a Planned Commercial Development to revise the sign package with the following stipulation:

- 1. Upon the issuance of a Sign Permit, a landscape plan identifying evergreen vegetation plantings around the base of the sign shall be submitted for review and approval.**

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



*21. No. 07PD012 - Eastridge Estates

A request by Mandalay Homes, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 10 thru 27 of Block 4; Lots 1 thru 12 of Block 5 of Eastridge Estates, and dedicated street, being a portion of the unplatted portion of the SW1/4 NW1/4 NE1/4, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Enchanted Pines Drive and Enchantment Road.

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

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
2. **A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
3. **A minimum 25 foot setback be provided along the one of the frontages abutting a street;**
4. **All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;**
5. **The proposed structures shall conform architecturally to the plans and elevations submitted;**
6. **All International Fire Codes shall be continually met;**
7. **All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual; and,**
8. **The Planned Residential Development shall allow for the construction of 30 single family residences on the subject property. Any change in use shall require a Major Amendment. In addition, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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. 07PD017 - Broadmoor Subdivision

A request by Centerline, Inc. for Broadmoor Association, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to modify setbacks** on Lot A less Lot H1 and Lot B less Lot 12 revised thru 14 revised and Lot C Revised and Lot D of Broadmoor Subdivision Phase 1, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Sheridan



Lake Road and Sunset Vista Road.

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

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Initial and Final Planned Residential Development or a subsequent Major Amendment;
4. The proposed structure(s) shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Major Amendment to the Residential Development Plan;
5. A two unit townhome development shall be allowed on the subject property as shown on the site plan. Any other use shall require a Major Amendment to the Residential Development Plan; and,
6. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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

23. 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.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved for the portion of the subject property legally described as:

Beginning at the west corner of Starlite Subdivision, Lot 3, this being the true point of beginning; thence N67°14'25"W a distance of 333.47 feet to a point lying on the westerly right-of-way line of North Dyess Avenue; thence N00°08'30"W a distance of 678.69 feet to a point lying on the westerly right-of-way line of North Dyess Avenue and on the southerly right-of-way line of East Mall Drive; thence S89°57'47"E a distance of 1016.71 feet to a point



lying on the southerly right of way line of East Mall Drive; thence N89°53'19"E a distance of 1533.40 feet to a point lying on the southerly right of way line of East Mall Drive; thence N89°54'10"E a distance of 69.57 feet to a point lying on the southerly right of way line of East Mall Drive; thence S00°02'14"E a distance of 924.66 feet to a point lying on the easterly line of said SW1/4 of Section 28 and on the northerly right of way line of Interstate 90; thence N89°50'04"W a distance of 1,753.45 feet to a point lying on the northerly right of way line of Interstate 90 and consistent with the southeast corner of said Lot 3 of Starlite Subdivision; thence N89°44'19"W a distance of 300.04 feet to a point consistent with the southwest corner of said Lot 3 of Starlite Subdivision; thence N67°14'21"W a distance of 279.37 feet to the true point of beginning; containing 53.75 acres more or less.

24. 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 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 approved.

26. 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 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; 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 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 April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.

27. 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 April 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

31. No. 07VR002 - Section 30, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on the Rapp Street H-Lot located in the NE1/4 SW1/4 and NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Rapp Street east of LaCrosse Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to City Council approval, the H Lot shall be retained as a utility easement or the utilities shall be relocated as needed;**
2. **Prior to City Council approval, a Final Plat shall be recorded at the Register of Deed's Office securing the additional right-of-way for the street; and,**
3. **Prior to City Council approval, the applicant shall revise the Exhibit "A" as identified on the Register of Deed's redlined comments.**

32. No. 07VR003 - Section 30, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on the Lot H-1 located in the S1/2 N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I90 and west of East North Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to City Council approval, written documentation from Black Hills Power shall be submitted indicating no objection to the vacation request;**
2. **Prior to City Council approval, a Final Plat shall be recorded at the Register of Deed's Office securing the additional right-of-way for the street; and,**



3. **Prior to City Council approval, the Exhibit "A" heading shall be revised to read "Portion of Right-of-way to be vacated located in Lot H-1 of the S1/2N1/2SE1/4 of Section 30..."**.

---END OF HEARING CONSENT CALENDAR---

16. No. 07CA010 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on property described as Commencing at a Point, Said Point Being the Northeast Corner of the Intersection of Spruce Street and Farnwood Avenue; Thence S78°28'21"E 1307.95' To The point of beginning. Thence S00°14'24"W 247.21'; Thence S00°14'24"W 6.68'; Thence N60°50'50"W 252.30'; Thence N60°50'50"W 364.08'; Thence S61°23'38"E 613.20'; Thence N00°14'32"E 247.21' To The point of beginning, The Whole Enclosing an Area of 0.04 Acres, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Farnwood Avenue.

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

Runde moved, LeMay seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development be approved. (7 to 0 to 1 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Runde voting yes and none voting no and Waltman abstaining)

*17. 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 and the East 13 feet of Lots 1A and 1B of Block 1 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.

Steve Brenden, area resident expressed his concern with increased fill into the drainage basin from the proposed development on the subject property.

Doug Sperlich, representing the applicant stated that the platting of the property has previously been reviewed and approved by staff which addressed the drainage.

Runde moved, Derby seconded and unanimously carried to approve the



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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;**
- 3. Prior to issuance of a building permit, 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 Development Service Center Division;**
- 4. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 5. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 6. The proposed commercial structure shall be used as retail, office, furniture store, photography studio, office supply store, restaurant and medical facility uses. In particular, no more than 2,880 square feet of restaurant area may be allowed or additional parking shall be provided. In addition, no on-sale liquor or adult oriented business uses are allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development;**
- 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 8. A minimum of 45,313 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 9. A minimum of 53 parking spaces shall be provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 11. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
- 12. All International Fire Codes shall be met; and,**
- 13. 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. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)**



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

25. No. 07RZ015 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land described as commencing at a Point, Said Point Being the Northeast Corner of the Intersection of Spruce Street and Farnwood Avenue; THENCE S78°28'21"E 1307.95' To The POINT OF BEGINNING. THENCE S00°14'24"W 247.21'; THENCE S00°14'24"W 6.68'; THENCE N60°50'50"W 252.30'; THENCE N60°50'50"W 364.08'; THENCE S61°23'38"E 613.20'; THENCE N00°14'32"E 247.21' To The POINT OF BEGINNING, The Whole Enclosing an Area of 0.04 ACRES, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Farnwood Avenue.

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

LeMay moved, Gregg seconded and carried to recommend that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation. (7 to 0 to 1 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Runde voting yes and none voting no and Waltman abstaining)

28. No. 07SV012 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Bethpage Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A and 1B of Block 16 of Red Rock Estates, located in the SW1/4, Section 20 and the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 16 of Red Rock Estates, located in the NW1/4 of Section 29 and a tract of land being 2,147.5 feet by 233 feet, located in the SW1/4 of Section 20; all located in the T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Bethpage Drive.

Dominicak stated that staff recommends that the Planning Commission acknowledge the applicant's request.

LeMay moved, Waltman seconded and unanimously carried to recommend that the applicant's request to withdraw the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk,



street light conduit, water, sewer and pavement along Bethpage Drive as per Chapter 16.16 of the Rapid City Municipal Code be acknowledged. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

29. No. 07SV013 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota., legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Interstate 90 and North LaCrosse Street.

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

LeMay moved, Runde seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 to 1 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Runde voting yes and none voting no and Waltman abstaining)

30. No. 07SV014 - Broadmoor Subdivision

A request by Centerline, Inc. for Broadmoor Association, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 40 feet; reduce the pavement width from 24 feet to 20 feet; and to waive the requirement to install sidewalks along both sides of the street and to install a water main as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A less Lot H1 and Lot B less Lot 12 revised thru 14 revised and Lot C Revised and Lot D of Broadmoor Subdivision Phase 1,



Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Sheridan Lake Road and Sunset Vista Road.

Brenden expressed his opposition to the Variance request to reduce street width and to waive the requirement to install sidewalks.

Dominicak advised that sidewalk would be required on one side of the street on the proposed development.

Waltman moved, Derby seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 40 feet, to reduce the pavement width from 24 feet to 20 feet, to waive the requirement to install sidewalks along both sides of the street and to install a water main as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Sidewalk shall be installed on the east side of the street. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

33. No. 06SR075 - Section 29, T1N, R7E

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Lot 1, located in the SE1/4 SW1/4, less Lot H1 and less Right-of-way, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive.

Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request be continued to the April 5, 2007 Planning Commission to allow the Pennington County Commission to take action on the request.

Runde moved, LeMay seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the April 5, 2007 Planning Commission Meeting to allow the Pennington County Commission to take action on the request. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

34. No. 06SR076 - McMahon Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Lot 1, Block 10, McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request



be continued to the April 5, 2007 Planning Commission meeting at the applicant's request.

Waltman moved, Gregg seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the April 5, 2007 Planning Commission meeting at the applicant's request. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

35. 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 presented the staff recommendation that the SDCL 11-6-19 Review request be approved with stipulations.

Collins moved, Runde seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the extension of public utilities with the following stipulations:

1. **Prior to Planning Commission approval, 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;**
2. **Prior to Planning Commission approval, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;**
3. **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; and,**
4. **Prior to Planning Commission approval, information shall be submitted to the Growth Management Department demonstrating that the Rapid Valley Sanitation District staff has reviewed and approved the utility plans. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)**

*36. No. 06PD097 - Vista Lake Subdivision No. 2

A request by John M. Rowe, Buell Consulting, Inc. for Cellular, Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4600 Jackson Boulevard.



Fisher presented the Major Amendment to a Planned Development request. Fisher identified the proposed location of the communication tower on the subject property. Fisher stated that staff recommends that the Major Amendment to the Planned Development request be approved with the exception of the placement of the communication tower on the subject property.

John Skulborstad, applicant, expressed his opinion regarding the necessity of the installation of a communication facility on the subject property. Skulborstad further requested that the Planning Commission approve the Major Amendment to the Planned Development request with the cell tower placement on the subject property.

John Rowe, Buell Consulting for Verizon Wireless, requested that the Planning Commission approve the placement of the communication tower on the subject property. Rowe expressed his opinion that increased cell phone use necessitates the need for the installation of a communication tower. Rowe stated that the flag pole design is a requirement of the City of Rapid City to minimize visual intrusion. Rowe identified surrounding towers, the capacities of those towers, the areas of existing coverage and the proposed locations for installation of new towers.

LeMay expressed his opposition to the placement of a cell tower on the subject property. Discussion followed.

In response to Waltman's questions, Rowe stated that the 154 foot flag pole tower design is recommended by engineers to be effective and Rowe further identified the service area provided by the proposed tower. Discussion followed.

Derby expressed his opposition to the proposed communication tower placement on the subject property. Discussion followed.

Robin Patterson, adjacent property owner expressed her opposition to the proposed cell tower on the subject property. Patterson commented on possible alternative locations for the proposed communication tower.

Derby moved, LeMay seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures with the following stipulations:

- 1. Prior to Planning Commission approval, the site plan shall be revised eliminating the cellular facility;**
- 2. Prior to Planning Commission approval, the site plan shall be revised eliminating the graveled turnaround from the Jackson Boulevard right-of-way;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;**

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5. Prior to issuance of a building permit, 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 Development Service Center Division;
6. Upon submittal of a building permit, a grading and drainage plan for the proposed development shall be submitted for review and approval;
7. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;
8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
9. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit;
10. A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
11. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;
12. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Development. A sign permit shall also be obtained;
13. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. A minimum of seven parking spaces shall be provided. One of the spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
15. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
16. All International Fire Codes shall be met;
17. The proposed structure shall be used as a residence and photography studio. Any other use shall require a Major Amendment to the Planned Residential Development; and,
18. The Planned 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. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

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



Tegethoff requested that items 37 and 38 be taken concurrently.

37. No. 07CA008 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from 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.

38. 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 the staff recommends that the Amendment to the Comprehensive Plan and Rezoning requests be continued to the April 5, 2007 Planning Commission meeting.

Waltman moved, Gregg 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; and,

That the Rezoning from No Use District to General Commercial District be continued to the April 5, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Rezoning. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

*39. No. 07PD014 - Jackson Park Subdivision

A request by Mark and Mary Garry to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of Block 2 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2901 Chapel Lane.

Tegethoff stated that staff recommends that the Planned Commercial Development request be continued to the April 5, 2007 Planning Commission meeting at the applicant's request.

LeMay moved, Collins seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the April 5, 2007 Planning Commission meeting at the applicant's request. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)



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

40. No. 07PD015 - North Rapid Addition

A request by Tama LaRay Donley to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 9 and 10 in Block 5 of North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 Lemmon Avenue.

Smith presented the Planned Residential Development request. Smith stated that staff recommends that the Planned Residential Development request be denied.

Tama LaRay Donely, applicant, requested that the Planning Commission approve the Planned Residential Development application. Donely expressed her opinion that the bed and breakfast would have a positive impact to the surrounding neighborhood.

In response to Derby's question, Donely stated that the subject property has been inspected and she has been certified by the Department of Health. Discussion followed.

In response to Hadcock's question, Smith stated that the location of the property within the flood plain may affect the ability of the applicant to obtain a building permit for any future improvements. Smith further commented that the parking requirement prohibits backing into the public right-of-way. Discussion followed.

Donely stated that she is bringing the property into compliance with the City Code requirements.

Fisher reviewed staff's concerns with the legal non-conforming use of the structure on the subject property.

LeMay expressed his support for the proposed bed and breakfast use on the subject property. Fisher stated that a commercial use has different parking requirements than a Single Family residential use. Discussion followed.

Collins expressed her support for the Planned Development request on the subject property. Discussion followed.

Runde moved, Collins seconded and carried to approve the Planned Residential Development - Initial and Final Development Plan as submitted. (5 to 3 with Collins, Hennies, LeMay, Runde and Waltman voting yes and Derby, Fast Wolf, Gregg, voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must



be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

41. No. 07RZ013 - Springbrook Acres

A request by John Diedrichs for Dawn Mazzio to consider an application for a **Rezoning from Park Forest District to Low Density Residential District** on Lot 3 of Tract B of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Golden Eagle Drive and north of Catron Boulevard.

Tegethoff presented the Rezoning request. Tegethoff stated that staff recommends that the Rezoning request be approved.

Fred Weishaupl, area resident expressed concern with the increased density placing the proposed development over the 40 unit rule. Weishaupl expressed concern with increased traffic use from the proposed development on the subject property. Weishaupl requested that the a secondary access be provided to the subject property as development progresses.

LeMay moved, Derby seconded and unanimously carried to recommend that the Rezoning from Park Forest District to Low Density Residential District be approved. (8 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay, Runde and Waltman voting yes and none voting no)

42. No. 07SR015 - Red Rock Estates

A request by enVision Design, Inc. for City of Rapid City, Public Works Department to consider an application for an **SDCL 11-6-19 Review to allow the construction of a public water storage reservoir** on the Plat of Lot H2, located in the SE1/4 of Section 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Prestwick Road and Meadowlark Drive.

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

Stacy Titus, Public Works Department, requested that the Planning Commission approve the SDCL 11-6-19 Review without the stipulations as presented by staff. Titus expressed his opposition to the requirement to install pavement on the access to the reservoir and handicapped parking on the subject property. Titus identified the location of the existing paved access to the subject property. Titus further identified the limited traffic on the subject property. Discussion followed.

Waltman moved, Collins seconded to approve the SDCL 11-6-19 Review to allow the construction of a public water storage reservoir be approved with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan showing all access to and around the reservoir being paved shall be submitted; and,**



2. **Prior to Planning Commission approval, a revised site plan showing two paved parking stalls, one being a van accessible handicapped stall, shall be submitted.**

Derby expressed his support for the approval of the SDCL 11-6-19 Review request without stipulations.

Collins expressed her support for the requirement to install handicapped parking. Discussion followed.

Substitute motion by Derby, seconded by LeMay and carried to approve the SDCL 11-6-19 Review to allow the construction of a public water storage reservoir. (6 to 2 with Derby, Fast Wolf, Gregg, Hennies, LeMay and Runde voting yes and Collins and Waltman voting no.)

43. 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.

Runde left the meeting at this time.

Smith presented the Variance to the Subdivision Regulations request. Smith stated that staff recommends that the Variance to the Subdivision Regulations be approved with stipulations.

Doug Sperlich, agent for Schriener Investments, LLC clarified the proposed improvements on the subject property. Sperlich stated that the applicant requests that the variance for the sidewalk on one side and the curb and gutter be approved as the proposed right-of way is currently used as a private driveway. Discussion followed.

Sonny Schriener, applicant requested that the variance requests for sidewalk, curb and gutter be approved.

Brenden, area resident requested that the Planning Commission support staff's recommendation to deny the variance request to install curb, gutter and sidewalk.

Derby requested clarification for the Variance request. Fisher reviewed staff's recommendations for approval of the Variance to the Subdivision Regulations



requests.

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

Lengthy discussion followed regarding potential future development of the right-of-way and drainage off the subject property.

LeMay moved, Fast Wolf seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sewer be approved with the stipulation that prior to City Council approval the applicant enter into a Waiver of Right to Protest for the required sidewalks, curb and gutter; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the access easement be approved with the following stipulation:

1. A sidewalk shall be provided along the one side of the access easement; and,

That the Variance to the Subdivision Regulations to waive the requirement to install water, street light conduit, and to reduce the width of the access easement from 49 feet to 40 feet be withdrawn at applicant's request. (7 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Waltman voting yes and none voting no)

44. No. 07SV011 - Hilltop Business Park

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Homestead Street and Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 of Section 4 of T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 3 of Block 1 of Rushmore Business Park, located in the S1/2 NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on November 8, 2001 and filed in Book 30 of Plats on Page 101, said point being located on the southerly edge of Homestead Street right-of-way, and said point being marked by a nail; Thence, curving southeasterly to the left, along the southerly edge of Homestead Street right-of-way, along a curve with a radius of 538.00 feet, a delta of 35°01'57", an arc length of 328.95 feet, and a chord bearing of S72°30'31"E and a chord distance of 323.85 feet, to a point on the southerly edge of Homestead Street right-of-way, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, continuing easterly along the southerly edge of Homestead Street right-of-way, S89°59'32"E, a distance of 232.16 feet, more or less, to a point along the westerly edge of Elk Vale Road right-of-way, said point being marked by a rebar



with cap "RW Fisk 6565"; Thence, southerly along the westerly edge of Elk Vale Road right-of-way, S00°11'38"E, a distance of 196.45 feet, more or less, to the northeast corner of Lot A of 1R of Block 4 of Rushmore Regional Industrial Park, as shown on the plat recorded May 3, 2000 and filed in Book 29 of Plats on Page 148, said point being marked by a SDDOT monument; Thence, westerly along the north edge of said Lot A of Lot 1R of Block 4 of Rushmore Regional Industrial Park, and along the northerly edge of Lot 2 of Block 4 of Rushmore Regional Industrial Park, as shown on the plat recorded September 24, 1981 and filed in Book 18 of Plats on Page 103, S89°49'00"W, a distance of 541.37 feet, more or less, to the southeast corner of said Lot 3 of Block 1 of Rushmore Business Park, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, northerly along the easterly edge of said Lot 3 of Block 1 of Rushmore Business Park, N00°03'55"W, a distance of 295.55 feet, more or less, to the point of beginning, more generally described as being located southwest of the Intersection of Homestead Street and Elk Vale Road.

Smith presented the Variance to the Subdivision Regulations request. Smith stated that the staff recommends that the Variance to the Subdivision Regulations request be approved with stipulations.

Collins moved, Waltman seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, sidewalk and pavement along Homestead Street be denied without prejudice; That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb and gutter along Elk Vale Road be approved with the stipulation that prior to City Council approval the applicant enter into a Waiver of Right to Protest for the required sidewalks, curb and gutter; and, That the Variance to the Subdivision Regulations to waive the requirement to install, street light conduit, water, sewer and pavement along Elk Vale Road be denied without prejudice. (7 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Waltman voting yes and none voting no)

45. Discussion Items
46. Staff Items
47. Planning Commission Items
48. Committee Reports
 - A. City Council Report (March 5, 2007)
The City Council concurred with the recommendations of the Planning Commission.
 - B. Sign Code Board of Appeals
 - C. Zoning Board of Adjustment
 - D. Parks and Recreation Subcommittee
 - E. Capital Improvements Subcommittee
 - F. Americans With Disabilities Act Compliance Committee
 - G. Drinking Water Protection Committee

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- 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, LeMay moved, Waltman seconded and unanimously carried to adjourn the meeting at 9:17 a.m. (7 to 0 with Collins, Derby, Fast Wolf, Gregg, Hennies, LeMay and Waltman voting yes and none voting no)