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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 26, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Frank Etter, Dennis Landguth, Mike LeMay and Andrew Scull. Ron Kroeger, Council Liaison was also present

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

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

Elkins stated that in accordance with direction by the Planning Commission members that several items submitted the previous day were not reviewed or prepared for consideration by the Planning Commission. Elkins advised that staff has followed the direction by Planning Commission not to present late stipulations for review and noted that if the Planning Commission has concerns; she would encourage further discussion of that policy.

Brewer stated that the time for submittals stand for presentation to the Planning Commission.

Brewer 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 Items 13, 19 and 20 be removed from the Non-Hearing Consent Agenda for separate consideration.

Brown requested that Items 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Anderson, Seconded by Derby and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 23 in accordance with the staff recommendations with the exception of Items 9, 13, 19 and 20. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 5, 2007 Planning Commission Meeting Minutes.
2. No. 07TP014 – 2007-2011 Transportation Improvement Program Amendment

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No. 07-013

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-013 be approved.

3. No. 07TP015 – 2007-2011 Transportation Improvement Program Amendment No. 07-014

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-014 be approved.

4. No. 07CA024 - Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating a collector street** on the W1/2 of the NE1/4, Section 28, T2N, R8E and the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the extension of Dakota Craft Drive.

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

5. No. 07CA025 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16, a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of SW1/4; Thence N89°56'28"E along said south line a distance of 701.09 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence S00°01'14"E along said east line a distance of 1321.57 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1322.78 feet to the point of beginning, containing an area of 35 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

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

6. No. 07CA026 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial**

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Development on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N89°58'32"E along the south line of said SW1/4 of Section 16, a distance of 1,322.78 feet to the east line of the SW1/4 of said SW1/4; the true point of beginning; Thence N00°01'14"W along said east line a distance of 435.13 feet; thence S45°34'07"E a distance of 416.97 feet to a point on a curve from which the radius of said curve bears N44°25'54"E a distance of 500.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet to said south line of the SW1/4; Thence departing said curve S89°58'32"W along said south line a distance of 647.84 feet to the true point of beginning, containing an area of 2 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

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

7. No. 07CA027 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the south one-quarter corner of said Section 16, monumented with a "Brass Cap"; Thence S89°58'32"W along the south line of said SW1/4 of Section 16 a distance of 674.94 feet to a point on a curve from which the radius of said curve bears N00°01'28"W a distance of 500.00 feet; Thence north westerly along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet; Thence departing said curve north 45°34'07" west a distance of 416.97 feet to the east line of the southwest one-quarter of said SW1/4; Thence N00°01'14"W along said east line a distance of 886.44 feet to the south line of the N1/2 of said SW1/4; Thence S89°56'28"W along said south line a distance of 658.08 feet; Thence N37°01'09"E a distance of 332.57 feet; Thence N35°19'22"E a distance of 88.82 feet; Thence S60°47'57"E a distance of 131.75 feet; Thence N56°10'10"E a distance of 406.42 feet; Thence N89°53'34"E a distance of 147.45 feet; Thence S00°06'26"E a distance of 176.99 feet; Thence N89°53'34"E a distance of 52.00 feet; Thence S00°06'26"E a distance of 263.59 feet; Thence S05°40'23"W a distance of 40.49 feet; Thence S11°27'13"W a distance of 200.28 feet; Thence S01°00'22"W a distance of 153.84 feet; Thence N90°00'00"E a distance of 139.82 feet; Thence S00°08'39"E a distance of 488.33 feet; Thence N89°52'38"E a distance of 140.00 feet; Thence S00°07'22"E a distance of 64.71 feet to a point on a curve from which the radius of said curve bears N89°52'38"E a distance of 201.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 201.00 feet, a central angle of 90°00'00" for a distance of 315.73 feet; Thence departing said curve N89°52'38"E a distance of 640.71 feet; Thence

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feet; Thence S00°00'00"W a distance of 237.79 feet to the point of beginning, containing an area of 20 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

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

8. No. 07CA029 - Section 20, T1N, R8E

A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on Lots A, AB and C, less Lots H1 and H2, located in the NW1/4 NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S.D. Highway 79 and south of Elk Vale Road.

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

10. 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 August 9, 2007 Planning Commission meeting to allow the applicant to submit the required information.

11. 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 approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the Planning Commission, a private utility plan shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and**

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approval;

3. **Upon submittal of the 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.**

12. No. 07PL062 - Paradise Pines Subdivision

A request by Boschee Engineering for Scott and Janice Zandstra to consider an application for a **Preliminary Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7; and the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less Right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM; and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16.

Planning Commission recommended the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting at the applicant's request.

14. No. 07PL079 - Ratigan Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Joe L. Ratigan to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Ratigan, located in the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8115 West Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting to allow the applicant to obtain the required rezoning and Lot Size Variance from Pennington County, and to revise the plat document accordingly.

15. No. 07PL082 - H-O Subdivision

A request by Homer and Kathy Berger to consider an application for a **Preliminary Plat** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 15010 E. Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

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16. No. 07PL086 - Cavern Crest Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Tract 2 Revised and Lot 2ER of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2675 Cavern Road and 8500 West Highway 44.

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

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing driveway located across the southwest corner of proposed Lot 1R within an access easement. In addition, construction plans for the access easement shall be submitted for review and approval showing the driveway constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for Cavern Road shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for Cavern Crest Court shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway 44 West shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
6. **Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted**

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- submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Cavern Road and Cavern Crest Court to serve 12 lots and five lots, respectively, in lieu of four lots or the plat document shall be revised accordingly;
 8. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Cavern Crest Court as an 1,800 foot long cul-de-sac street with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac street with intermediate turnarounds every 600 feet or the plat document shall be revised accordingly;
 9. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow access to proposed Lot 1R from S.D. Highway 44 West in lieu of Cavern Crest Court, the lesser order street, or the plat document shall be revised accordingly;
 10. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow two driveways in lieu of one driveway to proposed Lot 2ER or one of the approaches shall be eliminated and the plat document revised to show a non-access easement accordingly;
 11. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the landing at the intersection of Cavern Crest Court and Cavern Road to exceed 5% for the first 50 feet or road construction plans shall be submitted for review and approval showing the landing in compliance with the Street Design Criteria Manual;
 12. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 13. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
 14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 15. Prior to submittal of a Final Plat application, the plat document shall

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be revised to show a ten foot wide planting screen easement along S.D. Highway 44 West or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);

16. 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,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

17. No. 07PL089 - Discovery Subdivision

A request by FMG, Inc. for City of Rapid City to consider an application for a **Layout and Preliminary Plat** on Tract 3 of Discovery Subdivision and dedicated Right-of-way and dedicated public right-of-way formerly the NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and South of East Mall Drive.

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for North Elk Vale Road shall be submitted for review and approval. In particular, the road construction plans shall show the construction of water, curb and gutter along both sides of North Elk Vale Road and sidewalk along the west side of North Elk Vale Road or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to submittal of a Final Plat application, the applicant shall enter into a covenant agreement to participate in the cost of upgrading the Elk Vale Road lift station as needed to serve the proposed development;
4. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the reference to "Tract 4" in the notes;
5. Prior to submittal of a Final Plat application, the plat document shall be revised correcting the spelling error in the Certificate of Ownership to read "In witness whereof I...";
6. Prior to submittal of a Final Plat application, the plat document shall be revised extending the 45 foot wide sanitary sewer easement to the north lot line;

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7. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
8. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

18. No. 07SR035 - Professional Plaza Subdivision

A request by CSU Properties, Inc. to consider an application for an **SDCL 11-6-19 Review to allow a structure in the Right-of-Way** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 North Fifth Street.

Planning Commission denied the SDCL 11-6-19 Review to allow a structure in the right-of-way.

21. No. 07SR041 - Rapid City Airport Subdivision

A request by Kadrmas, Lee and Jackson, Inc. for Rapid City Regional Airport to consider an application for an **SDCL 11-6-19 Review to allow public improvements on public property** on all of Section 17, less Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

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

22. No. 07SR042 - Rapid City Greenway Tract

A request by Betty Bonawitz for the Rapid City Garden Club to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract 25, less Lots H1 and H2, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 240 Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to the August 9, 2007 Planning Commission meeting to allow the applicant to submit a complete site plan for review.

23. No. 07VE016 - Canyon Lake Heights Subdivision

A request by Duane and Gail Sudman to consider an application for a **Vacation of a Note on a Plat** on Lot 18 of Tract 2, Canyon Lake Heights Subdivision, located in the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 3502 Wonderland Drive.

Planning Commission recommended that the Vacation of a Note on the Plat requiring a 25 foot front yard building setback along the north lot line and a 25 foot front yard building set back along the west lot line be approved.

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

9. 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,

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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

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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.

Tonya Tordsen, Dream Design International, requested that the late submittal request be reviewed and approved.

Elkins reviewed the concerns previously expressed by the Planning Commission regarding staff creating stipulations for late submittals. Elkins stated that the staff will prepare stipulations for review at the August 9, 2007 Planning Commission meeting.

Landguth expressed his opposition to consideration of the late submittal and the request for action at this late date.

LeMay moved, Collins seconded and unanimously carried to recommend that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

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

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

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Elkins presented the staff's recommendation to continue the Preliminary Plat to the August 9, 2007 Planning Commission meeting.

Brewer and Scull abstained from discussion and voting due to a conflict of interest.

Brown moved, LeMay seconded and carried to recommend that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting at the applicant's request. (7 to 0 to 2 with Anderson, Brown, Collins, Derby, Etter, Landguth and LeMay voting yes and none voting no and Brewer and Scull abstaining)

19. No. 07SR036 - Section 4, T1N, R7E
A request by Hermanson Egge Engineering, Inc. for Rapid City Area School District No. 51 to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract A-B of SE1/4 NE1/4 and the NE1/4 SE1/4, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1003 Soo San Drive.

20. No. 07SR037 - Robbinsdale Subdivision No. 6
A request by Hermanson Egge Engineering, Inc. for Rapid City Area School District No. 51 to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Lots 1 and 2 of Block 9 of Robbinsdale Subdivision No. 6, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3301 Grandview Drive.

Elkins stated that the Fire Department would like to address the SDCL 11-6-19 Review request.

In response to Brewer's question, Knight stated that he would like items 19 and 20 considered concurrently.

Knight expressed concern with the location of the fire hydrant to the proposed structure on the property.

Larry Hermanson, Hermanson, Egge Engineering, stated that they would be willing work with the Fire Department to locate the fire hydrants to be in compliance with the adopted Fire Code. Hermanson handed out additional site plan information. Discussion followed.

Knight stated that the Fire Department would work with the applicant for placement of the Fire Hydrant on the subject property. Discussion followed.

Elkins stated that the Planning Commission would not be able to place stipulations of approval on an 11-6-19 Review request that would not be enforceable. Discussion followed.

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LeMay moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to relocate the annex buildings requests. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

Brewer announced that the Public Hearings on Items 24 through 41 were opened.

Staff requested that Items 26, 27, 28, 30 and 40 be removed from the Hearing Consent Agenda for separate consideration.

LeMay requested that Items 24 and 25 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 31 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 through 41 in accordance with the staff recommendations with the exception of Items 24, 25, 26, 27, 28, 30 and 40. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

The Public Hearings for Items 24 through 41 were closed.

---HEARING ITEMS CONSENT CALENDAR---

***29. 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

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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°47'47"W, a distance of 303.32 feet, more or less, to a point on the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat filed on April 22, 1988 and recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the said east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet to the northeast corner of said Lot 17, said point being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less to the northeast corner of said Lot 18, said point being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less to the northeast corner of said Lot 19, said point being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 20 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 21, 22 and 23 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and along the easterly line of Lot 24 in Block 1 of Copperfield Subdivision, as shown on the plat filed on June 12, 1989 and recorded in Book 22 of Plats on page 195, N27°11'29"E, a distance of 364.58 feet, more or less, to the northeast corner of said Lot 24, said point being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less to the northeast corner of said Lot 25, said point being

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corner of said Lot 25, said point being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 26 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 27 and 28 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, N02°40'24"E, a distance of 239.67 feet, more or less, to the northeast corner of said Lot 28, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said point being coincident with the northeasterly terminus of Copperfield Drive right-of-way, and said point being marked by a 5/8 inch rebar; thence, southwesterly along the northern terminus line of Copperfield Drive right-of-way, as shown on said plat recorded in Book 22 of Plats on Page 195, S71°30'56"W, a distance of 63.28 feet, more or less to the northwest terminus of said Copperfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 7 in Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of

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of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the 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 August 9, 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.

*32. No. 07PD045 - Big Sky Business Park

A request by Doug Zaug for Granite Peaks LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lot 2 of

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Block 4 of Big Sky Business Park, located in the SW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of Timmons Boulevard and Berniece.

Planning Commission continued the Planned Commercial Development - Initial Development Plan to the August 9, 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.

33. No. 07RZ049 - Sections 19 and 20, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on all of the N1/2 NE1/4 and the N1/2 NW1/4, less Lot 1 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S.D. Highway 79 and south of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to General Agricultural District be approved for the following revised legal. All of the N1/2 NE1/4 and the N1/2 NW1/4, less Lots 1 thru 7 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

34. No. 07RZ050 - Hansen Heights

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Neighborhood Commercial District to General Commercial District** on the west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 320 East St. Patrick.

Planning Commission recommended that the Rezoning from Neighborhood Commercial District to General Commercial District be continued to the August 9, 2007 Planning Commission meeting at the applicant's request.

35. No. 07SV010 - Word of Hope Subdivision

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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 the extension of Jolly Lane, dedicate additional public right-of-way on the 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 August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

36. No. 07SV024 - Century 21 Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, less Lot H1, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of E. North Street and the proposed E. Anamosa Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

37. No. 07SV028 - Word of Hope Subdivision

A request by Dream Design, Inc. for Word of Hope Wesleyan Church to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane 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

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being located northeast of the intersection of Jubilee Lane and Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

38. No. 07SV033 - H-O Subdivision

A request by Homer and Kathy Berger to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 15010 E. Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 9, 2007 Planning Commission meeting to allow the applicant to submit additional information.

39. No. 07SV035 - Cavern Crest Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Tract 2 Revised and Lot 2ER of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2675 Cavern Road and 8500 West Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along S.D. Highway 44 be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road be

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approved with the following stipulations:

1. The portion of the 66 foot wide easement located on the property, or the southern 33 feet, shall be dedicated as right-of-way; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Crest Court be approved with the following stipulations:

1. An additional two feet of easement width for a total of 52 feet shall be dedicated; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the private access easement be approved.

41. No. 07VR006 - Blake's Addition

A request by Advanced Engineering for Frank Washburn to consider an application for a **Vacation of Right-of-Way** on the Alley adjacent to Lots 9 thru 20 of Block 7 of Blake's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Boulevard North and North Maple Avenue and E. Philadelphia Street and E. New York Street.

Planning Commission recommended that the request to vacate a public alley to be continued to the August 9, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

---END OF HEARING CONSENT CALENDAR---

24. No. 07CA009 - Knecht Park Subdivision

A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.

25. No. 07RZ014 - Knecht Park Subdivision

A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for a **Rezoning from Flood Hazard District to Medium Density Residential District** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.

Elkins presented the staff's recommendation to continue the Amendment to the Adopted Comprehensive Plan and the Rezoning requests to the September 6, 2007 Planning Commission meeting in accordance with the moratorium adopted

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by the City Council and to allow the Floodplain Development Committee to meet and provide recommendations on the Floodplain Development Policy.

LeMay expressed his opposition to the proposed development plan on the subject property

LeMay moved, Collins seconded to deny the Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development and that the Rezoning request from Flood Hazard District to Medium Density Residential District.

Landguth expressed his support for the motion to deny, Landguth further commented that the applicant be allowed due process.

Scull disagreed with the other Planning Commissioners' opposition to the Amendment to the Adopted Comprehensive Plan and the Rezoning requests.

Elkins encouraged the Planning Commissioners to allow the moratorium process to proceed and for the Floodplain Development Policy Committee to review the issues.

Collins expressed her opposition to the proposed development request on the subject property.

Brewer expressed his support for the Floodplain Development Committee being allowed to review the Amendment to the Adopted Comprehensive Plan and the Rezoning requests.

LeMay moved, Collins seconded that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development and that the Rezoning request from Flood Hazard District to Medium Density Residential District be denied. The motion failed on a roll call vote (3 to 6 with Collins, Landguth and LeMay voting yes and Anderson, Brewer, Brown, Derby, Etter and Scull voting no)

Brown moved, Anderson seconded to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development and that the Rezoning request from Flood Hazard District to Medium Density Residential District be continued to the September 6, 2007 Planning Commission meeting. (6 to 3 with Anderson, Brewer, Brown, Derby, Etter and Scull voting yes and Collins, Landguth and LeMay voting no)

Fisher requested that Items 26, 27 and 28 be taken concurrently.

26. No. 07CA023 - Tower Ridge No. 2 Subdivision

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A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

27. No. 07RZ043 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Rezoning from Park Forest District to General Commercial District** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

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

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

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Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

Fisher presented the staff's recommendation to continue the Amendment to the Adopted Comprehensive, Rezoning and Variance to the Subdivision Regulations requests to the August 9, 2007 Planning Commission meeting.

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

Brown moved, LeMay seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development, the Rezoning from Park Forest District to General Commercial District and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 9, 2007 Planning Commission meeting at the applicant's request. (7 to 0 to 1 with Anderson, Brown, Collins, Derby, Etter, Landguth and LeMay voting yes and none voting no and Brewer and Scull abstaining)

30. 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

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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,

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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.

Fisher presented the staff's recommendation that the Variance to the Subdivision Regulations request be denied without prejudice at the applicant's request.

Landguth moved, LeMay seconded and unanimously carried to recommend 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 denied without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull

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and Scull voting yes and none voting no)

*31. No. 07PD028 - Professional Plaza Subdivision

A request by CSU Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 North Fifth Street.

Brian Utzman, applicant requested that the Major Amendment request be approved. Utzman expressed his opinion that the landscaping islands should not be required as they would impede traffic flow on the subject property. Utzman further requested that the required number of parking spaces be reduced. Utzman stated that the occupancy issues need to be addressed.

Collins expressed her support for the landscape island to be installed on the subject property.

Collins moved to continue the Major Amendment to a Planned Commercial Development to the August 23, 2007 Planning Commission meeting. The motion died for a lack of a second.

Elkins identified the options for Planning Commission action. Discussion followed.

Anderson expressed his opposition for the Major Amendment request. Discussion followed.

Utzman expressed his desire for the proposed modifications to the parking lot on the subject property to be approved.

Discussion followed regarding the status of the Certificate of Occupancy for the structure.

LeMay moved, Scull seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the August 23, 2007 Planning Commission meeting. (8 to 1 with Anderson, Brewer, Brown, Collins, Etter, Landguth, LeMay and Scull voting yes and Derby voting no)

Landguth expressed his opinion that the Major Amendment request be denied. Discussion followed.

Brown moved, Collins seconded and unanimously carried to reconsider the Major Amendment to a Planned Commercial Development. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

In response to Derby's question, Elkins stated that the certificate of occupancy

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issue is not before the Planning Commission. Discussion followed regarding parking space requirements and the light pole placement on the subject property.

Landguth moved, Collins seconded to deny the Major Amendment to a Planned Commercial Development. The motion failed on a roll call vote. (2 to 7 with Landguth and Scull voting yes and Anderson, Brewer, Brown, Collins, Derby, Etter and LeMay voting no)

LeMay moved, Brown seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the August 23, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

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

40. No. 07SV037 - Discovery Subdivision

A request by FMG, Inc. for City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water along North Elk Vale Road; to waive the requirement to install sidewalk along the west side of North Elk Vale Road; and, to waive the requirement to install curb, gutter, sidewalk, water and sewer along I90 Right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 3 of Discovery Subdivision and dedicated Right-of-way and dedicated public right-of-way formerly the NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and South of East Mall Drive.

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

In response to Brewer's question, Elkins stated that the issue before the Planning Commission is to determine the sidewalk requirement. Discussion followed.

Scull commented on the existing and the proposed locations of the sidewalk. Discussion followed.

LeMay expressed support to require sidewalk be installed on the proposed development on the subject property.

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Elkins clarified for the Planning Commission options for action on the Variance request and action for separate consideration for Department of Transportation action.

Collins expressed support for sidewalks on proposed developments. Discussion followed.

In response to Anderson's question, Elkins stated that it would be appropriate to make a follow-up motion to address a request for the South Dakota Department of Transportation to provide sidewalks on the adjacent road way.

LeMay moved, Collins seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and water along North Elk Vale Road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the west side of North Elk Vale Road be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Interstate 90 be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

Anderson moved, LeMay seconded and unanimously carried for staff to draft a letter for the Chairperson's signature to request that the South Dakota Department of Transportation install sidewalk on the Interstate 90 bridge. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Brewer thanked Ron Kroeger for his participation as Council Liason.

Tegethoff requested that Items 42 and 43 be taken concurrently.

42. No. 07CA008 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

Tegethoff presented the staff's recommendation to deny the Amendment to the

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Adopted Comprehensive Plan and the Rezoning requests. Tegethoff stated that the Future Land Use Committee has expressed concern with the proposed land use change.

Mike Stanley, Dream Design International, Inc. submitted a handout for review by the Planning Commission. Stanley identified the location and the proposed uses of the subject property and the existing zoning of adjacent properties. Stanley further requested that the Amendment to the Adopted Comprehensive Plan and Rezoning requests be approved by the Planning Commission. Discussion followed.

Marvin Paschke, adjacent property owner, expressed concerns with the lack of notification of the Amendment to the Adopted Comprehensive Plan and Rezoning requests. Paschke requested that the Planning Commission continue the Adopted Comprehensive Plan and Rezoning requests to the August 9, 2007 Planning Commission meeting to allow him time to review the impact of the proposed changes on his property.

In response to Brewer's question, Elkins stated that the owner's of the property within 250 feet are required to be notified. She noted that Mr. Paschke's property is more than 250 feet away and thus notification was not required.

LeMay moved, Collins seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be denied without prejudice. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

43. 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.

Brown moved, Landguth seconded and unanimously carried to recommend that the Rezoning from No Use District to General Commercial District be denied without prejudice. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

Tegethoff requested that items 44 and 45 be taken concurrently.

44. No. 07CA030 - 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 Heavy Industrial** on Lots 2 thru 7 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 at 1717 thru 1937 Marlin Drive.

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45. No. 07RZ051 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on Lots 2 thru 7 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 at 1717 thru 1937 Marlin Drive.

Tegethoff presented staff's recommendation to approve the Amendment to the Adopted Comprehensive Plan and Rezoning requests.

In response to Derby's question, Paschke expressed concern for the possible negative impact from the proposed the Amendment to the Adopted Comprehensive Plan and Rezoning requests on their property. Discussion followed.

Landguth moved, Anderson seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from General Agriculture to Heavy Industrial and the Rezoning from No Use District to Heavy Industrial District be approved. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

*46. No. 07PD035 - Kashmir Subdivision

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

Bulman presented the staff's recommendation to continue the Major Amendment request to the August 9, 2007 Planning Commission meeting at the applicant's request.

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

LeMay moved, Collins seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the August 9, 2007 Planning Commission meeting at the applicant's request. (8 to 0 to 1 with Anderson, Brewer, Brown, Collins, Etter, Landguth, LeMay and Scull voting yes and none voting no and Derby abstaining)

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

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Fisher requested that Items 47, 48 and 49 be taken concurrently.

*47. No. 07PD037 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on the unplatted portion of the W1/2 NE1/4 SE1/4, Section 30, T2N, RA Tract of land located in the W1/2 NE1/4 SE1/4 and the E1/2 NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the East Quarter Corner (E1/4) of said Section 30 Thence S66°45'19"W a distance of 1023.63'; to the eastern most corner of the subject Tract, said eastern most corner being the Point of Beginning; Thence with a curve turning to the left with an arc length of 327.53', with a radius of 650.00', with a chord bearing of S52°55'43"W, with a chord length of 324.08'; Thence N51°30'25"W a distance of 218.05'; Thence S89°59'19"W a distance of 73.68'; Thence N00°00'41"W a distance of 467.52' to the southerly right-of-way line of Interstate Route 90; Thence following the said the southerly right-of-way line of Interstate Route 90; with a curve turning to the right with an arc length of 490.15', with a radius of 2144.34', with a chord bearing of S76°43'44"E, with a chord length of 489.08'; Thence departing the said the southerly right-of-way line of Interstate Route 90; S00°00'41"E a distance of 231.96'; Thence S22°56'58"E a distance of 69.09'; to the Point of Beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I-90 and west of LaCrosse Street and north of Farnwood Avenue.

*48. No. 07PD048 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on a parcel of land located in the SW1/4SW1/4, the SE1/4SW1/4, the SW1/4SE1/4 and the W1/4SW1/4 of Section 29 and the NE1/4SE1/4, the NW1/4SE1/4 and the NE1/4SW1/4 of Section 30, and the NW1/4NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of said Section 29 in T2N, R8E, BHM; Thence N51°42'26"W 3921.65' to the Point Of Beginning, said point being on the easterly right-of-way line of LaCrosse Street as it intersects with the southerly right-of-way line of Interstate 90 exit ramp; Thence following the said southerly right-of-way line of Interstate 90 exit ramp N77°05'13"E a distance of 23.52'; Thence departing said southerly right-of-way line of Interstate 90 exit ramp S00°07'30"E a distance of 213.32'; Thence with a curve turning to the left with an arc length of 307.99', with a radius of 645.33', with a chord bearing of S13°53'07"E, with a chord length of 305.08'; Thence S27°33'29"E a distance of 344.21'; Thence S48°39'17"E a distance of 65.15'; Thence with a curve turning to the right with an arc length of 157.88', with a radius of 475.00', with a chord bearing of N75°41'24"E, with a chord length of 157.16' to the easterly right-of-way line of Rapp Street; Thence following said easterly right-of-way line of Rapp Street S00°04'20"E a distance of 44.98' to the northerly right-of-way line of Farnwood Avenue; Thence following said northerly right-of-way line of Farnwood Avenue N89°59'51"E a distance of 819.12' to the westerly right-of-way line of Spruce Street; Thence following said westerly right-of-way line of Spruce Street

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N00°01'14"W a distance of 21.89'; Thence departing said westerly right-of-way line of Spruce Street N89°58'43"E a distance of 14.89'; Thence with a curve turning to the left with an arc length of 554.46', with a radius of 550.00', with a chord bearing of N61°05'54"E, with a chord length of 531.28'; Thence N32°13'06"E a distance of 161.14'; Thence with a curve turning to the right with an arc length of 398.72', with a radius of 650.00', with a chord bearing of N49°47'28"E, with a chord length of 392.49'; Thence N22°56'58"W a distance of 69.09'; Thence N00°00'41"W a distance of 231.96' to a Pin and Cap stamped "Arleth & Assoc. RLS 3977" which lies in the southerly right-of-way line of Interstate Route 90; Thence following said southerly right-of-way line of Interstate Route 90 with a curve turning to the right with an arc length of 153.85', with a radius of 2144.34', with a chord bearing of S68° 07'30"E, with a chord length of 153.82'; Thence with a curve turning to the right with an arc length of 222.14', with a radius of 2909.18', with a chord bearing of S63°52'56"E, with a chord length of 222.09'; Thence S61°41'41"E a distance of 149.70'; Thence S35°19'03"E a distance of 72.16'; Thence S61°13'39"E a distance of 861.41'; Thence S85°21'33"E a distance of 76.05'; Thence S61°12'06"E a distance of 124.77'; Thence S41°24'18"E a distance of 91.52'; Thence S61°13'39"E a distance of 212.54'; Thence with a curve turning to the right with an arc length of 101.04', with a radius of 650.20', with a chord bearing of S56°46'32"E, with a chord length of 100.94'; Thence S68°31'49"E a distance of 303.38'; Thence S61°12'05"E a distance of 175.04'; Thence S49°53'16"E a distance of 102.02' to a Pin and Cap stamped "Arleth & Assoc. RLS 3977"; Thence departing said southerly right-of-way line of Interstate Route 90 S61°34'04"E a distance of 4.85'; Thence S28°46'21"W a distance of 45.07'; Thence N60°36'22"W a distance of 30.00'; Thence S28°46'21"W a distance of 214.53'; Thence S61°13'39"E a distance of 23.27'; Thence with a curve turning to the left with an arc length of 62.76', with a radius of 550.00', with a chord bearing of S64°29'48"E, with a chord length of 62.73'; Thence S67°45'57"E a distance of 107.10'; Thence with a curve turning to the right with an arc length of 74.17', with a radius of 650.00', with a chord bearing of S64°29'48"E, with a chord length of 74.13'; Thence S61°13'39"E a distance of 982.78'; Thence with a curve turning to the right with an arc length of 251.30', with a radius of 650.00', with a chord bearing of S50°09'07"E, with a chord length of 249.74'; Thence S39°04'34"E a distance of 40.07'; Thence with a curve turning to the left with an arc length of 347.20', with a radius of 445.00', with a chord bearing of S61°25'40"E, with a chord length of 338.46'; Thence S83°46'46"E a distance of 82.77' to the westerly right-of-way line of East North Street (U.S. Hwy 16); Thence following said westerly right-of-way line of East North Street (U.S. Hwy 16) with a curve turning to the left with an arc length of 150.34', with a radius of 604.00', with a chord bearing of N09°29'22"W, with a chord length of 149.96'; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) S89°51'20"E a distance of 107.97'; Thence S00°07'29"W a distance of 165.46'; Thence N89°52'31"W a distance of 82.41' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence following said westerly right-of-way line of East North Street (U.S. Hwy 16) with a curve turning to the right with an arc length of 75.75', with a radius of 604.00', with a chord bearing of S02°54'33"W, with a chord length of 75.70' to the northerly right-of-way line of Century Road; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) and following said northerly right-of-way line of Century Road S89°47'40"W a distance

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northerly right-of-way line of Century Road S89°47'40"W a distance of 183.22'; Thence departing said northerly right-of-way line of Century Road S30°24'27"E a distance of 37.54'; Thence S76°54'32"E a distance of 57.34'; Thence N53°27'27"E a distance of 59.74'; Thence S83°46'46"E a distance of 69.32'; Thence S38°46'46"E a distance of 19.20' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence following the said westerly right-of-way line of East North Street (U.S. Hwy 16) S26°02'24"W a distance of 1.67'; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) S89°52'31"E a distance of 18.29'; Thence S35°38'12"E a distance of 35.06'; Thence with a curve turning to the right with an arc length of 312.78', with a radius of 2414.01', with a chord bearing of S22°40'12"W, with a chord length of 312.56'; Thence N79°02'31"W a distance of 68.03' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) and following the northerly line of a railroad right-of-way with a curve turning to the right with an arc length of 759.14', with a radius of 2954.92', with a chord bearing of N71°01'21"W, with a chord length of 757.05'; Thence N63°54'32"W a distance of 136.37'; Thence N63°07'09"W a distance of 73.30'; Thence N63°03'41"W a distance of 199.66'; Thence with a curve turning to the left with an arc length of 653.84', with a radius of 2123.30', with a chord bearing of N71°53'07"W, with a chord length of 651.26'; Thence departing said northerly line of a railroad right-of-way with a curve turning to the right with an arc length of 62.67', with a radius of 113.45', with a chord bearing of N42°03'10"W, with a chord length of 61.88'; Thence N26°13'41"W a distance of 52.24'; Thence with a curve turning to the left with an arc length of 28.70', with a radius of 36.55', with a chord bearing of N48 43'41"W, with a chord length of 27.97'; Thence N71°13'41"W a distance of 15.34'; Thence with a curve turning to the left with an arc length of 60.20', with a radius of 36.62', with a chord bearing of S61°34'05"W, with a chord length of 53.65'; Thence S14°33'50"W a distance of 14.34'; Thence with a curve turning to the right with an arc length of 77.02', with a radius of 76.45', with a chord bearing of S43°25'30"W, with a chord length of 73.81' and intersecting aforesaid northerly line of a railroad right-of-way; Thence following said northerly line of a railroad right-of-way with a curve turning to the left with an arc length of 70.61', with a radius of 2123.30', with a chord bearing of N87°08'15"W, with a chord length of 70.61'; Thence departing said northerly line of a railroad right-of-way N71°18'35"W a distance of 424.31'; Thence with a curve turning to the right with an arc length of 61.16', with a radius of 71.12', with a chord bearing of N46°40'31"W, with a chord length of 59.29'; Thence N22°02'26"W a distance of 104.81'; Thence with a curve turning to the left with an arc length of 57.32', with a radius of 85.86', with a chord bearing of N41°10'06"W, with a chord length of 56.27'; Thence N60°17'45"W a distance of 73.71'; Thence N61°13'39"W a distance of 479.60'; Thence N60°50'50"W a distance of 974.73'; Thence with a curve turning to the right with an arc length of 48.41', with a radius of 536.00', with a chord bearing of S05°50'50"E, with a chord length of 48.40'; Thence S86°44'26"W a distance of 72.00'; Thence with a curve turning to the left with an arc length of 375.49', with a radius of 464.00', with a chord bearing of N26°26'34"W, with a chord length of 365.33'; Thence N49°37'34"W a distance of 7.80'; Thence S87°09'13"W a distance of 14.17'; Thence with a curve turning to the right with an arc length of 98.88', with a radius of 653.67', with a chord bearing of S48°42'08"W, with a chord length of 98.79'; Thence S59°31'37"W a distance of

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Thence S59°31'37"W a distance of 47.90'; Thence with a curve turning to the right with an arc length of 306.23', with a radius of 650.00', with a chord bearing of S70°43'52"W, with a chord length of 303.41' to the easterly right-of-way line of Spruce Street; Thence following said easterly right-of-way line of Spruce Street; S00°01'26"E a distance of 5.10' to the southerly right-of-way line of Farnwood Avenue; Thence following said southerly right-of-way line of Farnwood Avenue N89°32'42"W a distance of 219.93'; Thence S89°16'26"W a distance of 184.80'; Thence N89°45'26"W a distance of 493.08' to the easterly right-of-way line of Rapp Street; Thence following said easterly right-of-way line of Rapp Street S01°02'54"W a distance of 14.16'; Thence with a curve turning to the right with an arc length of 99.84', with a radius of 94.23', with a chord bearing of S32°12'03"W, with a chord length of 95.24'; Thence S62°33'20"W a distance of 51.46' to the easterly right-of-way line of Lacrosse Street; Thence following said easterly right-of-way line of Lacrosse Street N27°35'30"W a distance of 61.94'; Thence S62°21'30"W a distance of 6.15'; Thence N27°26'45"W a distance of 549.40'; Thence with a curve turning to the right with an arc length of 319.90', with a radius of 668.68', with a chord bearing of N13°39'56"W, with a chord length of 316.86'; Thence N00°06'55" E a distance of 207.90' which is the Point of Beginning, Said tract having an area of 4,107,568 sq ft, 94.30 acres, more generally described as being located south of Interstate 90 between LaCrosse Street and East North Street.

*49. No. 07PD049 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the unplatted portion of the W1/2 NE1/4 SE1/4, Section 30, T2N, RA Tract of land located in the W1/2 NE1/4 SE1/4 and the E1/2 NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the East Quarter Corner (E1/4) of said Section 30 Thence S66°45'19"W a distance of 1023.63'; to the eastern most corner of the subject Tract, said eastern most corner being the Point of Beginning; Thence with a curve turning to the left with an arc length of 327.53', with a radius of 650.00', with a chord bearing of S52°55'43"W, with a chord length of 324.08'; Thence N51°30'25"W a distance of 218.05'; Thence S89°59'19"W a distance of 73.68'; Thence N00°00'41"W a distance of 467.52' to the southerly right-of-way line of Interstate Route 90; Thence following the said the southerly right-of-way line of Interstate Route 90; with a curve turning to the right with an arc length of 490.15', with a radius of 2144.34', with a chord bearing of S76°43'44"E, with a chord length of 489.08'; Thence departing the said the southerly right-of-way line of Interstate Route 90; S00°00'41"E a distance of 231.96'; Thence S22°56'58"E a distance of 69.09'; to the Point of Beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I-90 and east of LaCrosse Street and north of Farnwood Avenue.

Fisher presented the staff's recommendation to deny the Planned Commercial Development – Final Development Plan (No. 07PD037) at the applicant's request, to approve the Major Amendment to a Planned Commercial Development (No. 07PD048) request with stipulations, and to continue the

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Planned Commercial Development - Initial and Final Development Plan (No. 07PD049) to the August 9, 2007 Planning Commission meeting.

Brown moved, LeMay seconded and unanimously carried to deny the Planned Commercial Development - Final Development Plan (No. 07PD037) without prejudice at the applicant's request;

To approve the Major Amendment to a Planned Commercial Development (No. 07PD048) with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to ensure that legal access and utility easements are in place as needed;**
- 3. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of any future structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;**
- 4. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, the landscaping plan shall include mature landscaping along the proposed chain link fence to reduce headlight glare between the traffic along Eglin Street and Interstate 90;**
- 5. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval. In addition, the applicant shall demonstrate that the sign package is in compliance with the Sign Code or the Sign Code shall be amended as needed or an Appeal and/or Variance shall be reviewed and approved by the Sign Code Board of Appeals;**
- 6. Upon submittal of a Final Commercial Development Plan application, a complete parking plan in compliance with the Parking Regulations shall be submitted for review and approval;**
- 7. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 8. Upon submittal of a Final Commercial Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;**

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9. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
10. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
11. The Air Quality Permit shall be amended to include any proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
12. The structures shall be used as retail, restaurant, hotel and business unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment shall be obtained;
13. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of the Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted; and,

To continue the Planned Commercial Development - Initial and Final Development Plan (No. 07PD049) to the August 9, 2007 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to submit additional information. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

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

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Commission.

*50. No. 07PD044 - Stoney Creek South Subdivision

A request by Alexander Romeyn for Leading Edge Management to consider an application for a **Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment** on Lots 2 and 3 of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5622 Sheridan Lake Road.

Smith presented the staff's recommendation to approve the Major Amendment request with stipulations. Discussion followed.

In response to Collins question, Alexander Romeyn, applicant stated that they are applying for a malt beverage license.

Collins moved, Scull seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment with the following stipulations:

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant.**
- 2. The hours of operation shall be from 11:00 am to 11:00 pm Monday thru Thursday 11:00 am to 12:00 midnight on Friday and Saturday, and 11:00 am to 10:00 pm on Sunday.**
- 3. All applicable stipulations of the initial Planned Commercial Development shall be continually met.**
- 4. Prior to approval by Planning Commission the applicant shall submit for review and approval a site plan and elevations identifying a decorative fence that is in accordance with the guidelines provided by the Police Department to ensure adequate security for the on-sale liquor service area. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)**

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

*51. No. 07PD046 - Forefather Flats

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land located in the SW1/4, Section T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S00°02'40"E 496.04' to a point on the south quarter line of aforesaid Section 28 and on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; thence following said

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south quarter line of Section 28 S00°02'40"E a distance of 924.66'; to the northerly right-of-way line of Offutt Street; thence following said northerly right-of-way line of Offutt Street N89°50'04"W a distance of 2052.28'; thence N67°14'23"W a distance of 614.15' to the easterly right-of-way line of Dyess Avenue; thence following said easterly right-of-way line of Dyess Avenue N00°08'30"W a distance of 678.69' to the aforesaid southerly right-of-way line of East Mall Drive; thence following said southerly right-of-way line of East Mall Drive S89°57'47"E a distance of 1016.65'; thence N89°53'22"E a distance of 1602.91' to the aforesaid south quarter line of Section 28 and the Point of Beginning, having an area of 53.71 acres, more generally described as being located east of Dyess Avenue and north of Interstate 90.

Fisher presented the staff's recommendation to approve the Planned Commercial Development request with stipulations.

Landguth moved, Brown seconded and unanimously carried to approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to submittal of a Final Commercial Development Plan application, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. Prior to submittal of a Final Commercial Development Plan application for proposed Phase Three and Four, a Preliminary Plat shall be reviewed and approved to ensure that all of the infrastructure improvements for the development have been addressed. In addition, a Final Plat shall be reviewed and approved prior to issuance of a Certificate of Occupancy to ensure that legal access and utility easements are in place as needed;**
- 4. Prior to submittal of a Final Commercial Development Plan application, the Traffic Impact Study recommendation shall be revised and submitted for review and approval identifying that the entire project will be complete by the year 2010 as per the date previously submitted by the developer or a new development schedule shall be submitted. The Traffic Impact Study shall also be revised to include truck traffic and pedestrian access. In addition, the construction plans shall be revised to include all improvements needed as per the revised Traffic Impact Study. The applicant shall also enter into an agreement with the City regarding the construction and timing of street improvements to serve the development as identified in the Traffic Impact Study;**
- 5. Upon submittal of a Final Commercial Development Plan application, revised structural elevations and a complete building materials list and color palette for the Cabela's' structure, including the color of that portion of the roof that is flat, shall be submitted for review and approval. In particular, banding with alternate color schemes, cornices, arches, decorative brick work, decorative metal work, etc.**

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- could be incorporated into the design of the proposed building. In addition, the revised elevations shall show screening from all four sides of all roof top mechanical equipment. Upon submittal of a Final Commercial Development Plan for each phase of the balance of the property, complete elevations showing all sides of all future structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
6. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. The landscaping plan shall comply with all requirements of the Zoning Ordinance. The landscaping plan shall include mature landscaping along the proposed chain link fence to reduce headlight glare between the traffic along Offutt Street and Interstate 90;
 7. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval. In addition, the proposed Joint Identification Signs shall be revised to comply with the Sign Code with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage;
 8. Upon submittal of a Final Commercial Development Plan application for each phase of the development, a complete parking plan in compliance with the Parking Regulations shall be submitted for review and approval. In addition, loading dock areas and the truck route through the site shall be identified. Phase One of the development, which includes a 80,028 square foot retail store, requires that a minimum of 401 parking spaces be provided. Nine of the parking spaces shall be handicap accessible spaces with one of the handicap spaces being "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 9. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. Upon submittal of a Final Commercial Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
 11. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the

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- the equipment shall be screened from all adjacent properties, including rooftop facilities;
12. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the current adopted International Fire Code;
 13. The Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 14. The structures shall be used as retail, home improvement center, restaurant, convenience store, hotel, business offices and a visitor's center unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment shall be obtained. No overnight camping or overnight recreational vehicle parking shall be allowed;
 15. Upon submittal of a Final Commercial Development Plan application for Phase One of the development, the site plan shall be revised eliminating the outdoor kenneling and animal comfort/wash stations or the Ordinance shall be amended to allow the use in the General Commercial District or the applicant shall appeal the decision of the Growth Management Director that the use is not an accessory use to the retail store as per Chapter 17.50.190 of the Rapid City Municipal Code to the Zoning Board of Adjustment;
 16. Upon submittal of a Final Commercial Development Plan application, an exterior entrance for the visitor information center shall be shown on the proposed commercial structure;
 17. Upon submittal of a Final Commercial Development Plan application, all outdoor display and sales areas shall be shown;
 18. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised to show the location of pedestrian walkways, benches, trash receptacles, bike racks and other amenities;
 19. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised to show the location of the recreational vehicle dump station and design plans shall be submitted for review and approval;
 20. Upon submittal of a Final Commercial Development Plan application, the most western approach along the south side of E. Mall Drive shall be aligned with the proposed approach along the north side of E. Mall Drive;

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21. Upon submittal of a Final Commercial Development application, a drainage plan in compliance with the East Mall Drive Drainage Plan shall be submitted for review and approval. In particular, drainage calculations for the on-site storm sewer shall be submitted for review and approval. In addition, drainage easements shall be recorded as needed;
22. Upon submittal of a Final Commercial Development application, a detailed grading plan, including erosion and sediment control measures, shall be submitted for review and approval;
23. Upon submittal of a Final Commercial Development application, access and utility easements shall be recorded at the Register of Deed's Office as needed;
24. Upon submittal of a Final Commercial Development application, water and sewer plans shall be submitted for review and approval;
25. Upon submittal of a Final Commercial Development application, a revised site plan shall be submitted for review and approval identifying that a minimum 25 foot setback is being provided along all rights-of-way. In addition, the monument signs along Interstate 90 shall be located outside of any access aisles;
26. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
27. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

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

52. No. 07PL081 - Anamosa Crossing Subdivision
A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Anamosa Crossing Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the

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intersection of E. North Street and proposed E. Anamosa Street.

Fisher presented the staff's recommendation to approve the Preliminary Plat with stipulations. Discussion followed.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, an updated traffic analysis shall be submitted for review and approval to address approach locations, signals, turn lanes, queue lengths etc. In addition, construction plans shall be submitted and/or revised for review and approval for any improvements needed along East Anamosa Street as per the updated traffic analysis;**
- 3. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, a drainage map showing inlet areas, intercepted and bypass flows to each inlet, the depth and spread at each inlet, etc. shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, an exception shall be obtained to reduce the distance of the water main inside the right-of-way line from ten feet to three feet or the construction plans shall be revised to show a minimum distance of five feet as per the approved exception request;**
- 5. Prior to Preliminary Plat approval by the City Council, a miscellaneous document shall be recorded at the Register of Deed's Office securing an eight foot wide utility easement along the east side of East Anamosa Street in order to extend services to the proposed lot;**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a shared approach along the north and south lot lines of the proposed lot as they abut East Anamosa Street in lieu of right-of-way;**
- 7. Prior to submittal of a Final Plat application, the plat document shall be revised to measure 15 inches by 26 inches, or 11 inches by 17 inches or 8 1/2 inches by 14 inches as per South Dakota Codified Law 11-3-10;**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)**

Tegethoff requested that Items 53 and 54 be taken concurrently.

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53. No. 07PL083 - Flannery Subdivision No. 2

A request by Mike Hanson for Tyz Thurston to consider an application for a **Preliminary Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.

Tegethoff presented the staff's recommendation to approve the Preliminary Plat request with stipulations. Tegethoff stated that the South Dakota Department of Environment and Natural Resources standards offers some latitude for an applicant to hook up to the city sewer system.

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

Derby requested that items 53 and 54 be taken separately.

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

1. **Prior to City Council approval of the Preliminary Plat application, a drainage plan must be submitted for review and approval. In particular, the drainage plan must show calculations for the flows of the existing drainage channel. In addition, the plat document must be revised to provide drainage easements as necessary;**
2. **Prior to City Council approval of the Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines to the existing and proposed lots shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must also be revised to provide utility easements as needed;**
3. **Prior to City Council approval of the Preliminary Plat application, a Wildland Fire Mitigation plan be submitted for review and approval;**
4. **Prior to City Council approval of the Preliminary Plat application, 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; and,**
6. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval. (8 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Etter, LeMay and Scull voting yes and none voting no and Landguth abstaining)**

54. No. 07SV034 - Flannery Subdivision No. 2

A request by Mike Hanson for Tyz Thurston to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install**

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sewer as per Chapter 16 of the Rapid City Municipal Code on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.

Discussion followed regarding the waiver request to waive the requirement for the applicant to hook up to the City sewer system.

Elkins reviewed the requirements for hooking up to the City sewer system.

LeMay expressed his support for granting the variance request.

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

In response to Derby's question, Tyz Thurston stated that the existing septic system has been in place since 1979. Thurston stated that there is currently no problem with the septic system and she would be willing to hook up to the City sewer system when the septic system fails. Discussion followed.

In response to Brewer's question, Landeen reviewed the options available to the Planning Commission for approval of the Variance request on the subject property. Discussion followed.

Derby moved, Anderson seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16 of the Rapid City Municipal Code be approved with the stipulation that the applicant enter into an agreement with the City of Rapid City to hook up to the City sewer system at the time of the current septic system failure. Motion failed on a roll call vote. (3 to 5 to 1 with Anderson, LeMay and Scull voting yes and Brewer, Brown, Collins, Derby and Etter voting no and with Landguth abstaining)

Anderson left the meeting at this time.

Brown moved, Collins seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16 of the Rapid City Municipal Code be denied. (5 to 2 to 1 with Brewer, Brown, Collins, Derby and Etter voting yes LeMay and Scull voting no and with Landguth abstaining)

Tegethoff requested that Items 55 and 56 be taken concurrently.

55. No. 07PL088 - Best Subdivision

A request by Fisk Land Surveying & Consulting for Best Buy Stores to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Best Subdivision, located

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located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 8R of Block 3, located in the NW1/4 NE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 North Haines Avenue.

56. No. 07SV036 - Best Subdivision

A request by Fisk Land Surveying & Consulting for Best Buy Stores to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of shared access and utility easements, to waive the requirement to install street light conduit, water, and sewer in shared access easements and to reduce the easement widths to 48 feet and 50 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Best Subdivision, located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 8R of Block 3, located in the NW1/4 NE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 North Haines Avenue.

Tegethoff presented the staff's recommendation that the Preliminary Plat and the Variance to the Subdivision Regulations requests be approved with stipulations.

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

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall submit construction plans for the access easements for review and approval or obtain a Variance to the Subdivision Regulations;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, a revised plat document shall be submitted for review and approval providing a 100 foot non-access easement along the east side of the proposed Lot 2 of Best Subdivision;**
- 3. Prior to Preliminary Plat approval by the City Council, design plans shall be submitted for the sewer improvements or a Variance to the Subdivision Regulations shall be obtained. The plat document must also be revised to provide utility easements as needed;**
- 4. Prior to Preliminary Plat approval by the Planning Commission, water plans demonstrating that required domestic and fire flows are being provided must be submitted for review and approval. The plat document must also be revised to provide utility easements as needed;**
- 5. Prior to Preliminary Plat approval by the Planning Commission, a revised plat document shall be submitted for review and approval providing a drainage easement for the existing storm sewer near the southwest corner of the proposed Lot 2 of Best Subdivision;**
- 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval; and,**

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That the Variance to the Subdivision Regulations to reduce the east-west easement width to 48 feet be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the east-west shared access and utility as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. A sidewalk shall be provided on one side of the street;

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, and sewer in the north-south shared access and utility easement and to reduce the easement width to 50 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the north-south shared access and utility as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. A sidewalk shall be provided on one side of the street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, and sewer in the east-west shared access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be denied. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

57. No. 07SR030 - Wise's Addition

A request by enVision Design, Inc. for Youth and Family Services, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way** on the Monroe Street right-of-way adjacent to Lot A of Block 12 Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 E. Monroe Street.

Tegethoff presented the staff's recommendation that the SDCL 11-6-19 Review request be continued to the August 23, 2007 Planning Commission meeting at the applicant's request.

Brown moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to the August 23, 2007 Planning Commission meeting at the applicant's request. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

58. No. 07TI013 - Century "21" Subdivision

A request by Centerline for A/R Group to consider an application for **A Revision to the Tax Increment District No. 39 Project Plan** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

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South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Revised Project Plan for Tax Increment District No. 39. Discussion followed.

Landguth moved, Brown seconded and unanimously carried to recommend that the Second Revision to Tax Increment District No. 39 Project Plan be approved. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

59. Discussion Items

- A. Cabela's – Text Amendment consideration for Dog Runs and Horse Corrals.

Elkins presented the request for consideration of an Ordinance Amendment to allow dog runs and horse corrals. Elkins further advised that if the Planning Commission wishes they could direct staff to advertise for public hearings on the requested Ordinance Amendment to allow the proposed uses.

In response to Brewer's question, Elkins reviewed the existing zoning districts where animals are allowed to be boarded. Discussion followed.

Collins moved, LeMay seconded and unanimously carried to authorize staff to proceed with an Ordinance Amendment and public hearings to allow dog runs and horse corrals as an accessory use in Planned Developments in the General Commercial Zoning Districts. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)

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- B. Elkins advised that a handout has been presented on the dais for the information regarding the surety requirement for plat approval. Discussion followed.
- C. Marcia thanked Loren Fuhrmann for his contribution to the Growth Management Department.

61. Planning Commission Items

- B. Planning Commissioner Appointment to the Zoning Board of Adjustments.

Elkins requested a nomination a Planning Commissioner to serve on the Zoning Board of Adjustments. Discussion followed.

LeMay stated that he would volunteer to serve on the Zoning Board of Adjustments.

62. Committee Reports

- A. City Council Report (July 2, 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
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brown moved, Collins seconded and unanimously carried to adjourn the meeting at 9:23 a.m. **(8 to 0 with Brewer, Brown, Collins, Derby, Etter, Landguth, LeMay and Scull voting yes and none voting no)**