

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 23, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Frank Etter, Julie Gregg, Dennis Landguth, Mike LeMay, Andrew Scull and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

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

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.

Motion by Scull, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 11 in accordance with the staff recommendations. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 9, 2007 Planning Commission Meeting Minutes.
2. 07TP017 – 2007-2011 Transportation Improvement Program Amendment No. 07-015.

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment No. 7-015 be approved.

3. No. 07AN003 - Homestead Subdivision
A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Petition for Annexation** on the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire District.

4. No. 07AN004 - Sections 14 and 23, T2N, R7E
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Petition for Annexation** on the SE1/4 of the NE1/4, the NE1/4 of the SE1/4, and the SE1/4 of the SE1/4 of Section 14; and the NE1/4 of Section 23, all less the East 33 feet previously annexed, T2N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive and west of Haines Avenue.

Planning Commission recommended that the Petition for Annexation be approved contingent upon any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.

5. 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 that the Preliminary Plat be continued to the September 6, 2007 Planning Commission meeting at the applicant's request.

6. No. 07PL073 - Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Block 2, Lots 4 thru 8 of Block 5, Lots 3 thru 5 of Block 6 and Lots 1 and 2 of Block 7; all of I90 Heartland Business Park, and dedicated public right-of-way shown as Seger Drive, Rearden Court and Dakota Craft Drive, located in the W1/2 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of the NE1/4 less I90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Elk Vale Road.

Planning Commission recommended 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, the proposed temporary turnaround at the end of Rearden Court shall be redesigned to provide emergency and maintenance vehicle access as per the Street Design Criteria Manual and the currently adopted Fire Code;**
3. **Prior to submittal of a Final Plat application, a temporary turnaround easement shall be recorded at the Register of Deed's Office for the turnaround to be constructed at the end of Seger Drive;**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the entire frontage**

of Lot 4 of Block 2, Lot 6 of Block 5, Lot 4 of Block 6, and Lot 1 of Block 7 as they abut Seger Drive or an Exception shall be obtained to allow access from the higher order street;

5. 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;
6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 07PL090 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Preliminary Plat** on Lots 1 thru 17 of Block 1; Lots 1 thru 19 of Block 2 and Lots 1 thru 16 of Block 3 of La Villa Vista Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Planning Commission recommended that the Preliminary Plat be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 07PL096 - Homestead Subdivision

A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Layout Plat** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

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

1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the County Heights Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as needed;
4. Upon submittal of a Preliminary Plat application, a revised utility master plan including public and private utilities shall be submitted for review and approval;
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall verify that adequate downstream sewer capacity exists to serve the proposed development. The sanitary sewer plans shall also be submitted to Rapid Valley Sanitary District for review and approval. In addition, the plat document shall be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water plans shall show the extension of water mains along all rights-of-way, including the eastern portion of Homestead Street. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed. The applicant shall also coordinate with Rapid Valley Sanitary District any water improvements needed to serve the development, including the timing of the improvements. The applicant shall also coordinate with the Public Works Department the design and oversize cost(s) of a 16 inch transmission water main along Homestead Street;
7. Upon submittal of a Preliminary Plat application, construction plans

- for Reservoir Road shall be submitted for review and approval showing the street located in a minimum 100 foot wide right-of-way and 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. In addition, the plat document shall be revised to show the dedication of the entire 100 foot wide right-of-way for Reservoir Road or a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way;
8. Upon submittal of a Preliminary Plat application, road construction plans for Homestead Street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
 9. Upon submittal of a Preliminary Plat, road construction plans for the sub-collector streets shall be submitted for review and approval showing the street(s) located in 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;
 10. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets shall be submitted for review and approval showing the street(s) located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street(s) with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 12. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual;
 13. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into Rapid City;

14. **Prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement;**
15. **Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the drainage lots labeled with a numeric lot and block annotation. In addition, prior to submittal of a Final Plat application, the applicant shall identify maintenance of any Major Drainage Easements within the development;**
16. **Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show street names for all of the un-named streets;**
17. **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,**
18. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

9. No. 07PL100 - Medicine Ridge Subdivision

A request by Sperlich Consulting for Schriener Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2 and Lot 1 of Block 3 of Medicine Ridge Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Stumer Road and north of Enchantment Road.

Planning Commission recommended that the Preliminary Plat be continued to the September 6, 2007 Planning Commission meeting to be heard in conjunction with the associated Variance to the Subdivision Regulations request.

10. 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 request to the September 6, 2007 Planning Commission Meeting to allow the applicant to submit a complete site plan for review.

11. No. 07VE026 - Kensington Heights Subdivision

A request by Kenneth E. and Carol Jean Grothe to consider an application for a **Vacation of Non-Access Easement** on Lot 12 of Block 1 of Kensington Heights Subdivision, located in Government Lot 4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 434 Field View Drive.

Planning Commission recommended that the Vacation of a Non-Access Easement be approved with the following stipulations:

- 1. Prior to Public Works Committee approval, a miscellaneous document providing a non-access easement along the entire length of Henry Court adjacent to the property shall be recorded at the Register of Deed's Office**
- 2. Prior to Public Works Committee approval, a revised Exhibit "A" shall be submitted for review and approved as identified or a Special Exception to the Street Design Criteria Manual to allow a residential approach more than 20 feet wide shall be submitted and approved for the property, and;**
- 3. Prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser traveled street shall be submitted and approved for the property.**

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

Brewer announced that the Public Hearings on Items 12 through 28 were opened.

Staff requested that Items 21, 22 and 23 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 12 through 28 in accordance with the staff recommendations with the exception of Items 21, 22 and 23. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 12 through 28 were closed.

---HEARING ITEMS CONSENT CALENDAR---

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

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the September 20, 2007 Planning Commission meeting.

- 13. No. 07CA032 - Morningstar Subdivision
A request by CETEC Engineering Services, Inc. for OS Development to consider**

an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10

feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Agriculture to Low Density Residential be continued to the September 6, 2007 Planning Commission.

14. No. 07RZ052 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius

of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the September 6, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

15. No. 07CA035 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, more

generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development be continued to the September 6, 2007 Planning Commission.

16. No. 07RZ055 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Neighborhood Commercial District** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Rezoning from No Use District to Neighborhood Commercial District be continued to the September 6, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

17. No. 07OA007 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to allow transitory non-overnight accessory dog kennels and horse corrals in Planned Developments by amending Chapter 17.18.030.**

Planning Commission recommended that the Ordinance Amendment to amend Chapter 17.18.030 to add non-overnight dog kennels and horse corrals for transitory animals as a Conditional Use in the General Commercial Zoning District with a Planned Commercial Development be approved.

*18. No. 07PD047 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the

NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the September 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

19. No. 07SV044 - LaVilla Vista Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of the proposed extension of Philadelphia Street** on Lots 1 thru 28 of Block 1 and Lots 1 thru 24 of Block 2 of LaVilla Vista Subdivision and dedicated Right-of-Way, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of Philadelphia Street be continued to the September 6, 2007 Planning Commission meeting.

*20. No. 07PD059 - Feigel Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Shane Leibig to consider an application for a **Planned Light Industrial Development - Initial**

and Final Development Plan on Lot 3 of Block 4 of Feigel Subdivision, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 924 E. Watertown Street.

Planning Commission continued the Planned Light Industrial Development - Initial and Final Development Plan to the September 6, 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.

24. 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 September 6, 2007 Planning Commission meeting at the applicant's request.

25. No. 07SV039 - Homestead Subdivision

A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, 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 Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 6, 2007 Planning

Commission meeting to allow the applicant to submit a Master Utility Plan.

26. No. 07SV043 - Section 23, T2N, R7E

A request by Britton Engineering for Land and Marine Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow platting half of a Right-of-Way as per Chapter 16 of the Rapid City Municipal Code** on Bunker Drive Right-of-way of the Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 NE1/4 SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3211 Bunker Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting half of a Right-of-Way as per Chapter 16 of the Rapid City Municipal Code be approved.

27. 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 in the alley 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 be approved with the following stipulation:

1. **Prior to approval by City Council the applicant shall file and record with the Register of Deeds office a Temporary Utility Easement and a Permanent Utility Easement, or the existing utilities shall be relocated.**

28. No. 07VR010 - Millard Subdivision

A request by City of Rapid City to consider an application for a **Vacation of a portion of Right-of-way** on Lots 1 thru 46 of Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to 904 thru 1014 Lemmon Avenue and northeast of the intersection of Van Buren Street and Lemmon Avenue.

Planning Commission recommended that the Vacation of a portion of Right-of-way be approved.

---END OF HEARING CONSENT CALENDAR---

*21. No. 07PD060 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of the SW1/4 of the SW1/4 of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1 of the SW1/4 of SE1/4, Section 29, a portion of Tract C of SW1/4, Section 29, and Tract C of NE1/4 of

NW1/4 and NW1/4 of NE1/4, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet; Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course: S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99 feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at

the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°54'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°03'27"E, a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°22'08"E, a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of

16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W, a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W, a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Fisher presented the staff's recommendation to continue the Planned Commercial Development request to the September 6, 2007 Planning Commission meeting.

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

Brown moved, LeMay seconded to continue the Planned Commercial Development - Final Development Plan to the September 6, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay and Scull voting yes and none voting no and Waltman abstaining)

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

*22. No. 07PD061 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of

the W1/2 of the SW1/4 of Section 29, and a portion of the SE1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N17°00'43"E, a distance of 726.66 feet to the point of beginning; Thence, first course N61°10'46"W, a distance of 250.17 feet; Thence, second course: N28°40'12"E, a distance of 46.12 feet; Thence, third course: N61°13'39"W, a distance of 47.70 feet; Thence, fourth course: N41°43'19"W, a distance of 37.74 feet; Thence, fifth course: N28°40'12"E, a distance of 58.62 feet; Thence, sixth course: S61°19'48"E, a distance of 83.25 feet; Thence, seventh course: N28°40'12"E, a distance of 163.57 feet; Thence, eighth course: N05°21'27"W, a distance of 36.20 feet; Thence, ninth course: N28°40'12"E, a distance of 184.06 feet; Thence, tenth course: N17°59'12"E, a distance of 23.45 feet; Thence, eleventh course: N12°29'03"E, a distance of 19.50 feet; Thence, twelfth course: S77°30'57"E, a distance of 201.67 feet; Thence, thirteenth course: S18°41'27"W, a distance of 21.84 feet; Thence, fourteenth course: S71°18'33"E, a distance of 168.39 feet; Thence, fifteenth course: N19°01'01"E, a distance of 117.78 feet; to the point curve; Thence, sixteenth course: curving to the right, on a curve with a radius of 106.09 feet, a delta angle of 34°24'46", a length of 63.72 feet, a chord bearing of N36°57'06"E, and chord distance of 62.77 feet, to the point of tangency; Thence, seventh course: N54°09'56"E, a distance of 21.19 feet, to the point of curve; Thence, eighteenth course: curving to the right, on a curve with a radius of 206.00 feet, a delta angle of 04°37'45", a length of 16.64 feet, a chord bearing of N56°28'49"E, and chord distance of 16.64 feet, to the point of tangency; Thence, nineteenth course; N58°47'42"E, a distance of 16.31 feet; Thence, twentieth course: S30°12'35"E, a distance of 34.34 feet; Thence, twenty-first course: S58°47'42"W, a distance of 83.23 feet; Thence, twenty-second course: S19°01'01"W, a distance of 166.07 feet; Thence, twenty-third course; S26°43'15"W, a distance of 1.69 feet; Thence, twenty-fourth course: N71°13'41"W, a distance of 80.63 feet; Thence, twenty-fifth course: N64°08'06"W, a distance of 37.98 feet; Thence, twenty-sixth course: N70°47'36"W, a distance of 74.50 feet; Thence, twenty-seventh course: S18°41'27", a distance of 236.38 feet; Thence, twenty-eighth course: S22°13'06"E, a distance of 47.56 feet; Thence, twenty-ninth course: S28°40'12"W, a distance of 281.72 feet, to the point of beginning, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Fisher presented the staff's recommendation to continue the Planned Commercial Development request to the September 20, 2007 Planning Commission meeting.

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

LeMay moved, Scull seconded to continue the Planned Commercial Development - Final Development Plan to the September 20, 2007 Planning Commission meeting to allow the applicant to revise the boundaries of the Planned Commercial Development as requested by the applicant and to allow the applicant to submit additional information. (8 to 0 to 1 with

Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay and Scull voting yes and none voting no and Waltman abstaining)

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

*23. No. 07PD062 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of the SW1/4 of the SW1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, Thence, N19°58'13"E, a distance of 970.79 feet to the point of beginning; Thence, first course: N28°40'12"E, a distance of 33.77 feet; Thence, second course: N22°13'06"W, a distance of 47.56 feet; Thence, third course: N18°41'27"E, a distance of 236.38 feet; Thence, fourth course: S70°47'36"E, a distance of 74.50 feet; Thence, fifth course: S64°08'06"E, a distance of 37.98 feet; Thence, sixth course: S71°13'41"E, a distance of 80.63 feet; Thence, seventh course: S26°43'15"W, a distance of 38.77 feet; Thence, eighth course: S18°46'19"W, a distance of 202.68 feet; Thence, ninth course: S05°15'41"E, a distance of 62.34 feet; Thence, tenth course: S18°46'20"W, a distance of 9.37 feet; Thence, eleventh course: N71°20'03"W, a distance of 98.26 feet; Thence, twelfth course: N72°04'16"W, a distance of 43.48 feet; Thence, thirteenth course: N61°19'48"W, a distance of 46.08 feet, to the point of beginning, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Fisher presented the staff's recommendation to deny the Planned Commercial Development – Final Development Plan without prejudice at the applicant's request.

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

Brown moved, LeMay seconded and carried to deny the Planned Commercial Development - Final Development Plan without prejudice at the applicant's request. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay and Scull voting yes and none voting no and Waltman abstaining)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

*29. 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.

Bulman presented staff's recommendation to continue the Major Amendment request to the September 6, 2007 Planning Commission meeting. Bulman stated that staff met with the applicant to review remaining compliance issues for the property to include parking and landscaping. Bulman stated that staff is recommending that the applicant provide an irrigation plan for the east and south portions of their property as was discussed and agreed to by the applicant.

Brian Utzman, CSU Properties, LLC, requested that the Planning Commission approve the Major Amendment request. Utzman expressed his opposition to the requirement for the irrigation system on the proposed landscape plan.

Elkins advised that a compromise was met with the applicant to provide irrigation to the landscaping on the subject property. Elkins stated that the staff's recommendation is to continue the Major Amendment request. Discussion followed.

In response to Scull's question, Elkins stated that the applicant is required to maintain the landscaping in a live vegetative state. Discussion followed.

Anderson moved, Brown seconded and unanimously carried to continue the Major Amendment request to the September 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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

*30. 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 approve the Major Amendment request with stipulations.

Carmen Derby, the applicant's representative, requested that the application be

continued to the September 6, 2007 Planning Commission meeting.

Knight advised that the applicant is working with the Fire Department to bring the subject property into compliance with the Fire Code.

Steve Brenden expressed his concern that the subject property may be in the Flood Hazard Zoning District. Dominicak advised that the subject property is not in the Flood Hazard Zoning District.

Brown moved, Waltman seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development request to the September 6, 2007 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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

Fisher requested that items 31 and 32 be taken concurrently.

31. No. 07PL101 - Tuscan Square Subdivision

A request by TSP for Bob Brandt to consider an application for a **Preliminary Plat** on Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

32. No. 07SV042 - Tuscan Square Subdivision

A request by TSP for Bob Brandt to consider an application for a **Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet, to waive the requirement to provide a minimum eight foot wide drainage and utility easement, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

Fisher presented the staff's recommendation to continue the Preliminary Plat and Variance to the Subdivision Regulations requests to the September 6, 2007 Planning Commission meeting. Fisher stated that an exception request will be reviewed by Public Works Committee and City Council. Fisher further

commented that staff would provide recommendation to the Planning Commission based on the outcome of the exception request at the Public Works Committee meeting. Discussion followed.

In response to Brewer's question, Fisher identified the locations of the existing water and sewer lines in relation to the proposed lots on the subject property.

In response to LeMay's question, Fisher stated a Major Amendment would be required for any proposed uses on tract 2 and that the parking for both lots would be addressed at that time. Discussion followed.

LeMay moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be continued to the September 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

33. 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 to continue the SDCL 11-6-19 Review request to the September 6, 2007 Planning Commission meeting.

Scull moved, Landguth seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way be continued to the September 6, 2007 Planning Commission at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

34. No. 07SR043 - Section 7, T1N, R8E

A request by Renner Engineering for the Salvation Army to consider an application for an **SDCL 11-6-19 Review to extend a public sewer main** on Lot 11 of Block 5 of Gus Haines, Tract 1 of Outlot B less Lot A-C and less Lot 1 of Horizon Subdivision, and Lot 1 of Horizon Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E. St. Patrick Street and east of Ivy Avenue.

Tegethoff presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the September 6, 2007 Planning Commission meeting.

LeMay moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a sewer main to the September 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

35. No. 07SV040 - Ratigan Subdivision

A request by Fisk Land Surveying for Joe Ratigan to consider an application for a **Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways** on Lots 1 and 2 of Ratigan Subdivision, located in the NE1/4 NE1/4 NE1/4 and the 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 the 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.

Brown left the meeting at this time.

Smith presented the staff's recommendation to continue the Variance to the Subdivision Regulations request to the September 6, 2007 Planning Commission meeting at the applicant's request. Discussion followed.

Anderson moved, Scull seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways be continued to the September 6, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

36. No. 07TI015 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Third Revised Project Plan for Tax Increment District No. 32 - Red Rock Estates** on Lots 1 thru 11 of Block 1, Lots 1 thru 19 of Block 2, Lots 1 thru 3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B of Block 6 of Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4 thru 16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1 thru 6 of Block 7, Lots 1 thru 3 of Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates,

less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of Sheridan Lake Road.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Tax Increment District No. 32 Revised Project Plan.

LeMay moved, Scull seconded and unanimously carried to recommend that the Tax Increment District No. 32 Revised Project Plan (Third Revision) for Red Rock Estates be approved. (8 to 0 with Anderson, Brewer, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

37. No. 07VR008 - Section 32, T2N, R8E

A request by Thomas J. Farrar to consider an application for a **Vacation of Right-of-way** on Lot H-1 and H-2 of LotB of Lot 1 in the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Century Road and S.D. Highway 16.

Tegethoff presented the staff's recommendation to continue the Vacation of Right-of-way request to the September 6, 2007 Planning Commission meeting.

LeMay moved, Scull seconded and unanimously carried to recommend that the Vacation of Right-of-way be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information. (8 to 0 with Anderson, Brewer, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

38. Discussion Items

39. Staff Items

A. Parkland and School Land Dedication.

Elkins reminded the Planning Commissioners that a training session will be held on September 5, 2007 at 11:30 with presentations from Jerry Cole of the Parks and Recreation Director.

B. Elkins advised that the Malcolm Chapman, Chairman of the City Council requested that Ron Weifenbach be approved to serve on the Future Land Use Committee.

Landguth moved, Anderson seconded to appoint Ron Weifenbach to the Future Land Use Committee. (8 to 0 with Anderson, Brewer, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

40. Planning Commission Items

41. Committee Reports

- A. City Council Report (August 6, 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, Anderson moved, Scull seconded and unanimously carried to adjourn the meeting at 7:43 a.m. (8 to 0 with Anderson, Brewer, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)