

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 20, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Frank Etter, Julie Gregg, Mike LeMay, Steve Rolinger 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.

Staff requested that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration.

In response to Derby's question, Elkins advised that items 3 thru 12 could be disposed as part of the Consent Agenda and that items 1 and 2 could be heard independently.

Motion by Brown, Seconded by Rollinger and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 3 thru 12 in accordance with the staff recommendations with the exception of Item 7. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

3. Approval of the September 6, 2007 Planning Commission Meeting Minutes and the Special September 4, 2007 and the September 5, 2007 Planning Commission Meeting Minutes.
4. 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 approved with the following stipulations:

1. **Upon submittal of a Final Plat the plat document shall be revised to identify the vacated section line highway on the eastern boundary;**
 2. **All improvements shall be constructed in accordance with City standards and the approved plans or a Variance to the Subdivision Regulation shall be obtained;**
 3. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
5. No. 07PL114 - Clarkson Subdivision
A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Layout Plat** on Lot 8 of Block 4 of Clarkson Subdivision, Section 31, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of SE1/4, lying west of Clarkson Road and a portion of the SE1/4 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located intersection of Spring Canyon Trail and Clarkson Road.

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

1. **Prior to Layout approval by Planning Commission, a master plan for the area shall be submitted for review and approval;**
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 in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
4. **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 be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;**

5. 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 system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat, road construction plans for Clarkson Road be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 72 foot wide right-of-way and constructed with pavement, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained or an Amendment to the City's Major Street Plan must be obtained;
 7. Upon submittal of a Preliminary Plat application, road construction plans for Spring Canyon Trail shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot 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;
 8. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
 9. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow more than 40 dwelling units with one point of access or revise the plat document to provide a second point of access;
 10. Prior to Preliminary Plat approval by the City Council, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
 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 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,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.
6. No. 07PL115 - Powderhorn Subdivision
A request by Powderhorn LLC to consider an application for a **Layout Plat** on Lots 1 and 2 of Powderhorn Subdivision, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NE1/4 north of Highway 44 and less Highway

Lots, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of South Dakota E. Highway 44 and Radar Hill Road.

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

- 1. Prior to submittal of a Preliminary Plat the plat document shall be revised to identify a non-access easement along South Dakota Highway 44.**
- 2. Upon submittal of a Final Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater treatment systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval, or a Variance to the Subdivision Regulation shall be obtained.**
- 3. 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, or a Variance to the Subdivision Regulations shall be obtained.**
- 4. Upon the submittal of a Preliminary Plat application, construction plans prepared by a Registered Professional Engineer for Radar Hill Road where it abuts the property shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right-of-way with a pavement width of 24 feet and constructed with curb, gutter, street light conduit, or a Variance to the Subdivision Regulations shall be obtained. In addition, a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way if needed;**
- 5. Upon the submittal of a Preliminary Plat application, construction plans prepared by a Registered Professional Engineer for South Dakota Highway 44 where it abuts the property shall be submitted for review and approval. In particular, the construction plans shall identify curb, gutter, street light conduit, or a Variance to the Subdivision Regulations shall be obtained.**
- 6. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 7. Prior to submittal of a Final Plat application the applicant shall obtain a Lot Size Variance from Pennington County for each proposed lot, or shall rezone proposed Lot 1 and Lot 2 to a zoning classification in which the minimum lot size can be met;**
- 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.**

8. No. 07PL117 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 9 thru 13 of Block 7, Lots 3 thru 13 of Block 8, Lots 9 thru 20 of Block 9 and Lots 5 thru 9 of Block 13, Red Rock Meadows Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 of the NW1/4 less Lots 10 thru 21 of Block 2, Lot 49 of Block 3, Lots 17 thru 19 of Block 4, Lots 4 thru 6 of Block 6, Lots 1 thru 8 of Block 7, Lots 1 thru 2 of Block 8, Lots 1 thru 8 of Block 9, Lots 12A & 12B of Block 11, Lot 1 of Block 12, Lots 1 thru 4 of Block 13 and Drainage Lot all of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at the northern terminus of Sahalee Court and Cog Hill Lane.

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

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, a Master Utility Plan, signed by the appropriate utility companies, shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to relocate the fire hydrant from the temporary turnaround at the terminus of Seminole Lane;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
5. **Prior to submittal of a Final Plat application, the water reservoir shall be completed and operational;**
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.**

9. No. 07SR047 – Section 15, T1N, R8E

A request by West River Electric Association to consider an application for an **SDCL 11-6-19 Review to construct a public electric utility substation.** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Planning Commission continued the SDCL 11-6-19 Review to construct an public electric utility substation to the October 4, 2007 Planning Commission meeting to allow the applicant time to submit a complete site

plan.

10. No. 07VE027 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Haeder and Associates to consider an application for a **Vacation of a portion of a non-access easement** on Lot 11 of Block 3 of Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Field View Drive and Davin Drive.

Planning Commission recommended that the Vacation of a portion of a non-access easement be approved.

11. No. 07VE028 - Section 15, T1N, R8E

A request by Renner & Associates for West River Electric Assn. to consider an application for a **Vacation of Non-Access Easement** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the October 4, 2007 Planning Commission meeting to allow the applicant time to submit a complete site plan.

12. No. 07VE029 - Flannery Subdivision No. 2

A request by Sperlich Consulting, Inc. for Dean Kelly Construction to consider an application for a **Vacation of Access Easement** on Lot 8R of Flannery Subdivision No. 2, located in the NW1/4 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4944 Ireland Place.

Planning Commission recommended that the Vacation of Access Easement be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

7. No. 07PL116 - Market Square Subdivision

A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.

Elkins presented the staff's recommendation to continue the Layout Plat to the October 4, 2007 Planning Commission meeting at the applicant's request.

Brown moved, Derby seconded and unanimously carried to recommend that the Layout Plat be continued to the October 4, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

Elkins requested that items 1 and 2 be taken concurrently.

1. No. 07TI016 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Creation of Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16 Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more

generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

2. No. 07TI017 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Project Plan for Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16 Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

Elkins presented the staff's recommendation to continue the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the associated Project

Plan requests to the October 4, 2007 Planning Commission meeting at the applicant's request.

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

Rolinger moved, Brown seconded and carried to recommend that the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the Dakota Canyon Marketplace Tax Increment District Project Plan be continued to the October 4, 2007 Planning Commission meeting at the applicant's request. (8 to 0 to 2 with Anderson, Brown, Collins, Derby, Etter, Gregg, LeMay and Rollinger voting yes and none voting no and Brewer and Waltman abstaining)

---HEARING ITEMS CONSENT CALENDAR---

Brewer announced that the Public Hearings on Items 13 through 31 were opened.

A member of the audience requested that Items 15 through 24 and 28 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 13 through 31 in accordance with the staff recommendations with the exception of Items 15 through 24 and 28. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

The Public Hearings for Items 13 through 31 were closed.

13. No. 01TI004 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District No. 32** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, 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, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, 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 of the intersection of Sheridan Lake Road and Muirfield Drive.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 32 be approved

14. No. 05VR014 - Sletten Addition

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

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the October 25, 2007 Planning Commission meeting.

25. No. 07CA041 – Rapid City Area 2030 Long Range Transportation Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Rapid City Area 2030 Long Range Transportation Plan.**

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Rapid City Area 2030 Long Range Transportation Plan be approved.

26. No. 07CA042 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating collector streets** on Sections 29 and 30, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating collector streets be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit a revised Traffic Impact Study to coordinate the phasing of the project with the proposed street improvements.

27. No. 07RZ064 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for

a **Rezoning from General Agriculture to Medium Density Residential** on the SE1/4 SW1/4 and SW1/4 SE1/4 and NE1/4 SE1/4 and NW1/4 SE1/4, and SW1/4 NE1/4 and less Lot A of W1/2 SE1/4, Sections 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Planning Commission recommended that the Rezoning from General Agriculture to Medium Density Residential be continued to the October 4, 2007 Planning Commission meeting due to a publication error by the Rapid City Journal.

*29. 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 October 4, 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.

*30. No. 07PD073 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 9 thru 13 of Block 7, Lots 3 thru 13 of Block 8, Lots 9 thru 20 of Block 9 and Lots 5 thru 9 of Block 13, Red Rock Meadows Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 of the NW1/4 less Lots 10 thru 21 of Block 2, Lot 49 of Block 3, Lots 17 thru 19 of Block 4, Lots 4 thru 6 of Block 6, Lots 1 thru 8 of Block 7, Lots 1 thru 2 of Block 8, Lots 1 thru 8 of Block 9, Lots 12A & 12B of Block 11, Lot 1 of Block 12, Lots 1 thru 4 of Block 13 and Drainage Lot all of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Sahalee Court and Cog Hill Lane.

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

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, a Preliminary Plat shall be**

- reviewed and approved by the City Council to insure that all infrastructure improvements have been addressed. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to insure that all right(s)-of-way have been dedicated;
3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
 4. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. A minimum 25 foot rear yard setback shall also be provided;
 5. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development. In addition, the color scheme shall consist of brown, white and/or blue earth tone shades;
 6. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met; and,
 7. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. 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.

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.

31. 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 East North Street.

Planning Commission recommended that the Vacation of Right-of-way be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit the required information.

---END OF HEARING CONSENT CALENDAR---

Elkins requested that items 15 thru 24 to be taken concurrently.

15. 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.

16. 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.

17. 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.

18. 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.

19. No. 07CA037 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 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 N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

20. No. 07RZ059 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 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 $N00^{\circ}55'18''E$ 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence $N87^{\circ}56'04''W$ 517.56 feet along the North line to the northwest corner of said Subdivision; Thence $N87^{\circ}56'04''W$ 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of $N22^{\circ}44'15''W$; Thence along said curve a distance of 685.41 feet; Thence $N42^{\circ}15'21''W$ 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence $N88^{\circ}48'27''E$ 1331.68 feet to a point; Thence $S02^{\circ}04'04''W$ 1370.56 feet to the True Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

21. No. 07CA038 - 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 Medium Density Residential with a Planned Residential 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 $N88^{\circ}27'49''W$ 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence $N88^{\circ}27'49''W$ 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence $N32^{\circ}05'22''E$ 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence $S87^{\circ}56'54''E$ 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence $S87^{\circ}56'54''E$ 181.28 feet along the South line of said Subdivision; Thence $S02^{\circ}02'59''W$ 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears $N88^{\circ}27'49''W$ a distance of 2280.00 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.

22. No. 07RZ060 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use to Medium Density Residential** 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 $N88^{\circ}27'49''W$ 369.56 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 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 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.

23. No. 07CA039 - 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 II** on a tract of land 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 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 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 to a point; 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.

24. No. 07RZ061 - 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 II District** on a tract of land 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 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 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 to a point; 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.

Elkins advised that the applicant has submitted the additional required information. Elkins further added that the staff has reviewed the additional information and is recommending that the Comprehensive Plan Amendments and Rezoning requests be approved.

Ted Schultz, CETEC Engineering, Inc. requested that the Comprehensive Plan Amendments and Rezoning requests be approved. Schultz stated that they have complied with staff's requests for additional information.

Elkins cautioned the Planning Commission to carefully consider the requests. Elkins advised that concerns have been expressed by the public on the adequacy of water to the airport and the possible negative impact. In response to Brewer's question, Elkins advised that based on the information submitted by the applicant that the water supply would be adequate.

**Rolinger moved, Collins seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential;
That the Rezoning from No Use District to Low Density Residential District;
The Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development;
The Rezoning from No Use District to Neighborhood Commercial District;
The Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development;
The Rezoning from No Use District to Medium Density Residential District;
The Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II;
The Rezoning from No Use District to Medium Density Residential District;**

The Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II; and, That the Rezoning from No Use District to Low Density Residential II District be approved. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

*28. No. 07PD075 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Initial Development Plan** on the SE1/4 SW1/4 and SW1/4 SE1/4 and NE1/4 SE1/4 and NW1/4 SE1/4, and SW1/4 NE1/4 and less Lot A of W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 and south of Hidden Valley Road.

Jerry Foster, FMG, Inc. requested that the Planned Residential Development request be continued to the October 4, 2007 Planning Commission meeting. Foster stated that the applicant would consider any comments from the Planning Commission or the public to address any potential issues. Discussion followed.

Ron Johnson, President of the Kirkwood Homeowners Association, expressed his concern for the possible negative impact of the increased traffic from the proposed development. Johnson identified the traffic flow on the existing roads to the proposed development. Johnson suggested the possible use of traffic circles and elevated sidewalks on the proposed roads.

Brewer expressed his support for a traffic impact study set forth in the stipulations. Discussion followed.

In response to Collins questions, Elkins stated that the stipulation No. 27 identifies the requirement for pedestrian paths.

Derby's expressed concerns for the possible short cuts that the public may use and the negative impact of the increased traffic from the proposed development. Discussion followed.

Lyle Ruel, Vice-president of Kirkwood Homeowners' Association suggested the possibility of a crash gate be installed.

Anderson commented on the proposed phasing of the proposed development. Elkins stated that improvements need to be tied to phasing and further review of the traffic impact study will be addressed by staff with the applicant.

LeMay moved, Collins seconded and unanimously carried to continue the Planned Residential Development - Initial Development Plan to the October 4, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Brewer advised the public of a meeting of the Flood Plain Task Force Committee to share information on Floodway issues. Brewer advised that the meeting is set for Monday, September 24, 2007 from 6:30 p.m. to 8:30 p.m. at the Journey Museum.

Tegethoff requested that Items 32, 33 and 34 be taken concurrently.

32. No. 07CA040 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential to Office Commercial** on Lot 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.
33. No. 07RZ063 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.
- *34. No. 07PD068 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.

Tegethoff presented the Comprehensive Plan Amendment, Rezoning and Planned Commercial requests. Tegethoff stated that staff's recommendation is to approve the Comprehensive Plan Amendment, Rezoning and Planned Commercial requests.

In response to Anderson's question, Elkins stated that it was her understanding that the proposed use is allowed under the Municipal Code as amended.

Jason Roberdeau, Williams & Associates Architecture stated that the exact use of the expanded building are has not been determined and Roberdeau advised that the applicant is considering possible uses of the subject property.

Francis T. Logan, area resident, requested that the wilderness area remain in place on the subject property. Logan expressed his opinion that the proposed development would detract from the value of his home.

Joe Hauge, area resident, expressed his concern that the proposed development would have extended hours and the possible negative impact on the adjacent residential development.

Derby expressed his opinion that the concerns of the adjacent property owners are valid and would like them addressed by the staff. Elkins stated that the use of the property is not changing and she outlined the existing uses on the site and the location of the proposed building expansion. Discussion followed.

Roberdeau stated that a similar facility was approved several years ago and the concerns expressed by the adjacent property owners were addressed at that time. Roberdeau reviewed the type of use of the existing structure on the subject property.

In response to Anderson's question, Elkins advised that the drainage study has been submitted and reviewed by staff. Discussion followed.

Collins commented on the possible negative impact of the increased traffic resulting from the proposed development on the subject property. Discussion followed.

Anderson moved, Rolinger seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential to Office Commercial be approved in conjunction with the associated Planned Commercial Development - Initial Development Plan.

That the Rezoning request from Medium Density Residential District to Office Commercial District be approved; and approved 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. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 4. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 5. All applicable provisions of the International Fire Code shall be continually met;**

6. The building shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development - Initial Development Plan;
7. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan;
8. Prior to issuance of a building permit a revised plan must be submitted for review and approval showing the location and screening of air handling units. The noise levels emitted from the HVAC system shall not exceed 65 DNL at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Development Service Center Coordinator that the noise levels are in compliance with the 65 DNL standards or shall construct all necessary improvements to comply with the standards;
9. Prior to submittal of a Planned Commercial Development – Final Development Plan plans shall be submitted for review and approval relocating the existing sewer main and manholes or the site plan shall be revised relocating the structures outside of the sewer easement;
10. Prior to Planning Commission approval of a Planned Commercial Development – Final Development Plan all affected easements shall be vacated or the structures shall be relocated out of the existing easements;
11. Prior to submittal of a Planned Commercial Development – Final Development Plan plans shall be submitted for review and approval of the revisions to the existing storm water detention facility;
12. Prior to issuance of a building permit the applicant shall replat the property or shall submit a developmental lot agreement for review and approval to allow for the proposed addition;
13. The Planned Commercial Development – Initial Development Plan shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
14. Prior to submittal of a Planned Commercial Development – Final Development Plan plans shall be submitted for review and approval of the traffic analysis study and adequate buffers be provided and a detailed business plan regarding the proposed use of the facility. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger 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 35, 36 and 37 be taken concurrently.

35. 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 1400 East Philadelphia Street.

36. 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.

*37. 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.

Fisher presented the staff's recommendation to continue the Plat and the Planned Residential Development requests to the October 4, 2007 Planning Commission meeting. Fisher stated that staff's recommendation is that the Variance request be withdrawn at the applicant's request.

Brown moved, Collins seconded and unanimously carried to recommend that the Preliminary Plat be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request;

To recommend that the Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 48.1 foot portion of Philadelphia Street be withdrawn at the applicant's request; and,

To continue the Planned Residential Development - Initial and Final Development Plan to the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger 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 38 and 39 be taken concurrently.

38. 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.

39. 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 approve the Preliminary Plat with stipulations and that the Variance request be continued to the October 4, 2007 Planning Commission meeting.

Rolinger 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, 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, construction plans showing the extension of water and sewer mains along Rapid Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
 - 3. Prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along all of Third Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
 - 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the sewer service line serving Tract 2 redesigned to preclude crossing Tract 1 or an Exception shall be obtained;**
 - 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the abandonment of the water service line located along the north lot line and the extension of a water service line from the existing water main located in Omaha Street to serve the existing 64,237 square foot structure or an Exception to allow a service line to cross another property must be obtained;**
 - 6. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the abandonment of the water main located along the east lot line of the property as per Chapter 13.04.350 of the Rapid City Municipal Code or an Exception shall be obtained;**
 - 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; and,**
- That 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;**
- That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum eight foot wide drainage and utility easement along the interior of all lot lines;**

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Rapid Street and to install sewer along Third Street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Third Street be continued to the October 4, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

*40. 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 staff's recommendation to approve the Planned Commercial Development request with a revised legal description with stipulations as set forth.

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

Rolinger moved, Collins seconded and unanimously carried to approve the Planned Commercial Development - Final Development Plan for property legally described as a portion of the SW ¼ of the SW ¼ of Section 29, and a portion of SE ¼ of the SE ¼ of Section 30, all located 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 N03°14'31"W, a distance of 908.51 feet to the point of beginning; thence, first course N28°40'12"E, a distance of 58.62 feet; thence, second course: S61°19'48"E, a distance of 83.33 feet; thence, third course: N28°38'27"E, a distance of 163.57 feet; thence, fourth course: S61°19'48"E, a distance of 250.17 feet; thence fifth course: S28°40'12"W, a distance of 236.73 feet; thence sixth course: N60°55'15"W, a distance of 250.17 feet; thence seventh course: N61°13'39", a distance of 47.70 feet; thence eighth course: N41°43'18"W, a distance of 37.74 feet, to the point of beginning; containing 64,702 square feet or 1.485 acres more or less with the following stipulations:

- 1. Prior to Planning Commission approval, revised building elevations shall be submitted for review and approval showing additional design features along the sides and rear of the building. In addition, the revised elevations shall show that all roof top mechanical equipment is screened from view along all four sides of the equipment. The applicant shall also confirm that the roof top color is dark gray;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a building permit, 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;**
- 4. Prior to issuance of a building permit, the applicant shall identify the scope of the utilities to be constructed as a part of this phase of the development to insure that fire hydrants and water and sewer mains are being provided as needed. In addition, a Final Plat shall be approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility and drainage easements are in place as needed;**
- 5. Prior to issuance of a building permit, the applicant shall enter into a parking agreement to insure that a minimum of 450 parking spaces are being provided and located within 300 feet of the main entry into the building. In addition, nine of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**

6. **Prior to issuance of a building permit, the design of the retaining wall in excess of four feet in height shall be sealed and signed by a Professional Engineer;**
7. **Prior to issuance of a sign permit, the sign package shall be revised to comply with the Sign Code or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage;**
8. **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 structure shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;**
9. **The structure shall be used as a sporting goods retail store or a Major Amendment to the Commercial Development Plan shall be obtained;**
10. **All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,**
11. **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 to 1 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Rollinger 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.

*41. No. 07PD074 - 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 E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N32°32'41"W, a distance of 1491.89 feet, to the point of beginning; Thence, first course: N28°46'21"E, a distance of 193.37 feet; Thence, second course: S61°13'39"E, a distance of

81.34 feet; Thence, third course: $28^{\circ}49'13''E$, a distance of 298.23 feet; Thence, fourth course: $S61^{\circ}10'47''E$, a distance of 68.21 feet; Thence fifth course: $S61^{\circ}13'39''E$, a distance of 412.11 feet; Thence sixth course: $S61^{\circ}47'58''E$, a distance of 109.05 feet; Thence seventh course: $N04^{\circ}14'01''W$, a distance of 123.08 feet; Thence eighth course: $N16^{\circ}14'15''W$, a distance of 138.20 feet; Thence ninth course: $N11^{\circ}50'56''W$, a distance of 36.22 feet; Thence tenth course: $N61^{\circ}13'39''W$, a distance of 287.41 feet; Thence eleventh course: $N72^{\circ}34'45''W$, a distance of 79.09 feet; Thence twelfth course: $S12^{\circ}17'44''W$, a distance of 21.89 feet; Thence thirteenth course: $S11^{\circ}45'53''W$, a distance of 74.39 feet; Thence fourteenth course: $S29^{\circ}26'19''W$, a distance of 108.19 feet; Thence fifteenth course: $S28^{\circ}46'23''W$, a distance of 5.63 feet; Thence sixteenth course: $N61^{\circ}10'47''W$, a distance of 62.74 feet; Thence seventeenth course: $N28^{\circ}49'13''E$, a distance of 144.32 feet; Thence eighteenth course: $N60^{\circ}40'09''W$, a distance of 81.72 feet; Thence nineteenth course: $N28^{\circ}46'21''E$, a distance of 18.93 feet; Thence twentieth course: $S80^{\circ}48'13''E$, a distance of 86.02 feet; Thence twenty-first course: $N08^{\circ}39'57''E$, a distance of 139.34 feet; Thence twenty-second course: $N28^{\circ}46'21''E$, a distance of 88.06 feet; Thence twenty-third course: $S61^{\circ}13'39''E$, a distance of 40.33 feet; Thence twenty-fourth course: $N59^{\circ}10'51''E$, a distance of 35.56 feet; Thence twenty-fifth course: $S61^{\circ}13'39''E$, a distance of 354.47 feet; Thence twenty-sixth course: $S07^{\circ}29'34''W$, a distance of 52.04 feet; Thence twenty-seventh course: $S28^{\circ}46'21''W$, a distance of 129.34 feet; Thence twenty-eighth course: $S61^{\circ}27'03''E$, a distance of 54.85 feet; Thence twenty-ninth course: $N73^{\circ}46'21''E$, a distance of 129.34 feet; Thence thirtieth course: $S57^{\circ}58'40''E$, a distance of 40.43 feet; Thence thirty-first course: $S00^{\circ}05'13''W$, a distance of 137.67 feet; Thence thirty-second course: $S28^{\circ}13'35''W$, a distance of 34.62 feet; Thence thirty-third course: $S70^{\circ}01'59''W$, a distance of 89.45 feet; Thence thirty-fourth course: $S08^{\circ}21'44''E$, a distance of 74.30 feet; Thence thirty-fifth course: $S00^{\circ}56'32''E$, a distance of 90.49 feet; Thence thirty-sixth course: $S77^{\circ}43'49''E$, a distance of 267.11 feet; Thence thirty-seventh course: $S72^{\circ}57'11''E$, a distance of 151.99 feet; Thence thirty-eighth course: $S77^{\circ}27'28''E$, a distance of 10.43 feet; Thence thirty-ninth course: $N17^{\circ}37'42''E$, a distance of 63.95 feet; Thence fortieth course: $N00^{\circ}05'48''E$, a distance of 239.04 feet; Thence forty-first course: $N28^{\circ}14'45''E$, a distance of 61.36 feet, to a point of curve; Thence forty-second course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of $07^{\circ}28'23''$, a length of 71.74 feet, a chord bearing of $S50^{\circ}13'34''E$, and chord distance of 71.69 feet, to the point of tangency; Thence forty-third course: $S38^{\circ}54'51''E$, a distance of 61.96 feet, to a point of curve; Thence forty-fourth course: curving to the right, on a curve with a radius of 682.20 feet, a delta angle of $08^{\circ}10'18''$, a length of 97.30 feet, a chord bearing of $S34^{\circ}49'42''E$, and chord distance of 97.22 feet, to the point of tangency; Thence forty-fifth course: $S24^{\circ}04'47''W$, a distance of 31.13 feet; Thence forty-sixth course: $S30^{\circ}12'35''E$, a distance of 38.33 feet; Thence forty-seventh course: $S58^{\circ}47'41''W$, a distance of 83.19 feet; Thence forty-eighth course: $S19^{\circ}01'01''W$, a distance of 166.07 feet; Thence forty-ninth course: $S26^{\circ}43'15''W$, a distance of 40.45 feet; Thence fiftieth course: $S18^{\circ}46'19''W$, a distance of 202.68 feet; Thence fifty-first course: $S05^{\circ}15'41''E$, a distance of 31.14 feet; Thence fifty-second course: $N83^{\circ}27'45''W$, a distance of 31.29 feet, to a point of curve; Thence fifty-third course: curving to the right, on a curve with a radius of 199.60 feet, a delta angle of $22^{\circ}10'38''$, a length of 77.26 feet, a chord bearing of $N72^{\circ}23'46''W$, and chord distance of

76.78 feet, to the point of tangency; Thence fifty-fourth course: N61°18'27"W, a distance of 435.06 feet; Thence fifty-fifth course: N18°02'17"W, a distance of 69.74 feet; Thence fifty-sixth course: N61°13'39"W, a distance of 584.79 feet; Thence fifty-seventh course: S78°33'40"W, a distance of 9.22 feet; Thence fifty-eighth course: S28°46'27"W, a distance of 97.40 feet; Thence fifty-ninth course: S12°38'26"E, a distance of 10.13 feet; Thence sixtieth course: S61°13'39"E, a distance of 607.36 feet; Thence sixty-first course: S28°46'21"W, a distance of 134.83 feet; Thence sixty-second course: S41°43'18"E, a distance of 110.38 feet; Thence sixty-third course: S60°58'18"E, a distance of 301.99 feet; Thence sixty-fourth course: S60°26'18"E, a distance of 75.50 feet; Thence sixty-fifth course: S71°24'56"E, a distance of 89.33 feet; Thence sixty-sixth course: S28°44'21"E, a distance of 46.82 feet; Thence sixty-seventh course: S71°13'14"E, a distance of 10.01 feet; Thence sixty-eighth course: S19°57'24"W, a distance of 79.24 feet; Thence sixty-ninth course: S00°24'43"E, a distance of 64.90 feet; Thence seventieth course: N71°18'35"W, a distance of 10.20 feet, to a point of curve; Thence seventy-first course: curving to the right, on a curve with a radius of 71.12 feet, a delta angle of 49°16'09", a length of 61.16 feet, a chord bearing of N46°40'31"W, and chord distance of 59.29 feet, to the point of tangency; Thence seventy second course: N22°02'26"W, a distance of 104.81 feet, to a point of curve; Thence seventy-third course: curving to the left, on a curve with a radius of 85.86 feet, a delta angle of 38°15'19", a length of 57.32 feet, a chord bearing of N41°10'06"W, and chord distance of 56.27 feet, to the point of tangency; Thence seventy-fourth course: curving to the right, on a curve with a radius of 250,555.22 feet, a delta angle of 00°16'44", a length of 1219.78 feet, a chord bearing of N61°00'35"W, and chord distance of 1219.77 feet, to the point of beginning, more generally described as being located northeast of the intersection of Spruce Street and Eglin Street.

Fisher presented staff's recommendation to approve the Planned Commercial Development request with a revised legal description with stipulations as set forth.

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

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

- 1. A building permit shall be obtained prior to construction of the parking lot;**
- 2. Prior to issuance of a building permit, 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 issuance of a building permit, utility and drainage easements shall be recorded at the Register of Deed's Office or the Final Plat document shall be recorded dedicating the utility and drainage easements as needed;**
- 4. Prior to issuance of a building permit, a Final Commercial**

- Development Plan shall be reviewed and approved which includes the west half of the most western approach into the property or the site plan shall be revised to show the entire approach within the boundaries of this Final Commercial Development Plan;
5. The parking plan shall be constructed in compliance with the approved plan. In particular, a minimum of 1,250 parking spaces shall be provided. In addition, 24 of the parking spaces shall be handicap accessible spaces. Four of the handicap spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
 6. A minimum of 67,402 landscaping points with 25 landscape islands shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 7. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
 8. 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 to 1 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Rollinger 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.

Tegethoff requested that items 42 and 43 be taken concurrently.

42. No. 07PL107 - South Yard Subdivision
A request by FourFront Design, Inc. for Moyle Petroleum Company to consider an application for a **Preliminary Plat** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.

43. No. 07SV048 - South Yard Subdivision

A request by FourFront Design, Inc. for Moyle Petroleum Company to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.

Tegethoff presented the staff's recommendation to continue the Preliminary Plat and Variance to the Subdivision Regulations requests to the October 4, 2007 Planning Commission meeting.

Brown moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install sewer, street light conduit and sidewalk on the Rearage Road be continued to the October 4, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

In response to Derby's question, Elkins stated that the Planning Commission could continue the Preliminary Plat and Variance to the Subdivision Regulations requests to a date specific to tour the subject property. Discussion followed.

Substitute motion by Derby, Waltman seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install sewer, street light conduit and sidewalk on the Rearage Road be continued to Tuesday September 25, 2007 at 6:30 p.m. southeast of the intersection of South Dakota Highway 79 and Minnesota Street. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

44. No. 07SR045 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to add a turn lane on East Mall Drive** on Lots 1 and 2 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Mall Drive and I90.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the October 4, 2007 Planning Commission meeting.

Brown moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to add a turn lane on East Mall Drive to the October 4, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

45. 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.

Elkins presented the Rezoning request. Elkins identified the zoning and uses of the adjacent properties. Elkins stated that the staff recommends that the Rezoning request be denied without prejudice. Elkins advised that the applicant has submitted a Planned Development for the subject property.

Rich Huffman, agent for the property owners, requested that the Rezoning request be approved. Huffman stated that the Planned Commercial Development that was submitted to Growth Management would allow the Planning Commission to control what type of uses allowed on the subject property.

In response to Rolinger's question, Elkins stated that a church group would qualify as a conditional use under the existing Neighborhood Commercial Zoning District. Discussion followed.

Brown requested clarification of the notification process. Elkins advised that property owners within 250 feet would be notified. Discussion followed.

LeMay moved, Rolinger seconded and unanimously carried to recommend that the Rezoning from Neighborhood Commercial to General Commercial be approved. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

46. 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.

Smith presented the staff's recommendation that the Variance request be approved. Smith identified the location of the section line highway on the subject

property.

Janelle Finck from Fisk Land Surveying, Inc. advised that the applicant requested that the lot lines be adjusted and allows platting to divide the property for better function. Finck identified the current and proposed access to the subject property. Finck stated all adjacent property owners have legal access and would not be adversely affected. Finck requested that the Variance request be approved; however the applicant should not be required to dedicate 24.5 feet of right-of-way.

Elkins presented staff's recommendation to deny the Variance to the Subdivision Regulations request. Lengthy discussion followed.

Brown left the meeting at this time.

Joe Ratigan, applicant requested that the Variance to the Subdivision Regulations request be approved, with the exception that the dedication of 24.5 feet of right-of-way should not be required.

Rolinger moved, Derby 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 approved. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

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

47. No. 07SV049 - Powderhorn Subdivision

A request by Powderhorn LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Powderhorn Subdivision, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NE1/4 north of Highway 44 and less Highway Lots, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of South Dakota E. Highway 44 and Radar Hill Road.

Smith presented the staff's recommendation to deny without prejudice in part and approve in part with one stipulation the Variance to the Subdivision Regulations request. Discussion followed.

Rolinger moved, LeMay seconded and unanimously carried to recommend

that the Variance to the Subdivision Regulations to waive the requirement to install pavement along South Dakota Highway 44 as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, and street light conduit along South Dakota Highway 44 and Radar Hill Road, and to waive the requirement to install additional pavement along Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to approval of by City Council the applicant shall sign a waiver of right to protest future assessments. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)**

48. No. 07SV050 - Market Square Subdivision

A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.

Tegethoff presented the staff's recommendation to continue the Variance to the Subdivision Regulations request to the October 4, 2007 Planning Commission meeting at the applicant's request.

LeMay moved, Rolinger seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate 10 feet of additional right-of-way and provide a planting screen easement along E. St. Patrick Street;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 17 feet of additional right-of-way and provide a planting screen easement along Creek Drive;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, and street light conduit along Creek Drive;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the south side of E. St. Charles Street be

continued to the October 4, 2007 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

49. Discussion Items

- A. Ordinance Amendment to allow micro-breweries in Light Industrial – General Commercial Zoning Districts.

Elkins requested that the request be continued to the October 4, 2007 Planning Commission meeting.

LeMay moved, Collins seconded and unanimously carried to continue the Ordinance Amendment request to the October 4, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

- B. Ordinance Amendment to address expiration dates on Plats.

Elkins requested that the Ordinance Amendment request be tabled.

LeMay moved, Waltman seconded and unanimously carried to table the Ordinance Amendment request. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, LeMay, Rollinger and Waltman voting yes and none voting no)

50. Staff Items

51. Planning Commission Items

52. Committee Reports

- A. City Council Report (September 4, 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, Rolinger moved, LeMay seconded and

