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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 27, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Barb Collins, Mike Derby, Frank Etter, Julie Gregg, Dennis Landguth, Andrew Scull and Karen Waltman.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Bill Knight, Mike Schad and Carol Campbell.

Brewer called the meeting to order at 7:05 a.m.

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

Staff requested that Items 6, 27, 35, 36, 37, 45, 46, 47, 48, 49, 50, 51, 53 and 56 be removed from the Consent Agenda for separate consideration.

Waltman requested that Items 18 and 26 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 10, 11, 12 and 44 be removed from the Consent Agenda for separate consideration.

Motion by Anderson, Seconded by Landguth and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 56 in accordance with the staff recommendations with the exception of Items 6, 10, 11, 12, 18, 26, 27, 35, 36, 37, 44, 45, 46, 47, 48, 49, 50, 51, 53 and 56. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 6, 2008 Planning Commission Meeting Minutes.
2. No. 07CA055 - Section 21, T2N, R8E
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to General Commercial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28, T2N, R8E, BHM, thence N00°04'09"W. along the section line common to Sections 21, and 22, a distance of 530.00 feet to the point of beginning; Thence, first course: S89°55'51"W, a distance of 449.12 feet; Thence, second course: N00°07'41"W, a distance of 860.00 feet; Thence third course: N89°55'51"E, a distance of 450.00 feet, to a point on the section line common to Sections 21, and 22; Thence, fourth course: S00°04'09"E, along the section line common to Sections 21, and 22, a distance

of 860.00 feet, to the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

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

3. No. 07CA057 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, thence N00°02'15"W, a distance of 521.16 feet to the point of beginning, Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 941.15 feet; Thence, second course: S48°29'18"E, a distance of 331.54 feet; Thence, third course: S83°10'38"E, a distance of 304.61 feet; Thence, fourth course: N88°20'00"E, a distance of 1840.91 feet; Thence, fifth course: N60°21'45"E, a distance of 305.29 feet; Thence, sixth course: N00°00'00"E, a distance of 1256.52 feet; Thence seventh course: N90°00'00"E, a distance of 439.54 feet; Thence eighth course: S31°45'55"E, a distance of 187.71 feet; Thence ninth course: S70°52'51"E, a distance of 832.49 feet; Thence tenth course: S00°00'00"E, a distance of 1709.19 feet; Thence eleventh course: S89°55'51"W, a distance of 3980.51 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

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

4. No. 07CA059 - Sections 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28, T2N, R8E, BHM, thence, N00 04'09"W, a distance of 1390.00 feet to the point of beginning; Thence, first course: S89 55'51"W, a distance of 450.00 feet; Thence, second course: S00 07'41"E, a distance of 860.00 feet; Thence, third course: S89 55'51"W, a distance of 873.79 feet; Thence, fourth course: N00 00'00"E, a distance of 1709.19 feet; Thence, fifth course: S70 52'51"E, a distance of 73.39 feet; Thence, sixth course: S20 31'58"E, a distance of 434.44 feet; Thence seventh course: N89 55'51"E, a distance of 1099.64 feet, to a point on the section line common to sections 21, and 22; Thence eighth course: S00 04'09"E, along the section line common to sections 21 and 22, a distance of 418.04 feet, to the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

Planning Commission approved the summary and authorized publication in

the Rapid City Journal.

7. No. 07PL134 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Preliminary Plat to the April 24, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information as previously requested.

8. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the April 24, 2008 Planning Commission meeting.

9. No. 07PL166 - Spring Creek Estates Subdivision

A request by Oliver A. Freimark to consider an application for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located 8686 South Highway 16.

Planning Commission continued the Layout Plat to the April 10, 2008 Planning Commission meeting.

17. No. 08RZ003 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd.

Planning Commission continued the Rezoning from Low Density Residential District to Medium Density Residential District to the April 10, 2008 Planning Commission meeting.

*19. No. 07UR015 - Huffman Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 2 of Huffman Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 E. North Street.

Planning Commission continued the Conditional Use Permit to allow an on-sale liquor establishment to the April 10, 2008 Planning Commission meeting with the applicant's concurrence.

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

20. No. 07VR005 - Section 4, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

Planning Commission continued the Vacation of Right-of-way to the April 10, 2008 Planning Commission meeting.

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

21. No. 08AN003 - W-Y Addition

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on Lot 3 of Tract D, W-Y Addition, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of South Interstate 90 Service Road.

Planning Commission approved the Petition for Annexation contingent on any payment due to the Box Elder Rural Fire Protection District being made by the City of Rapid City.

22. No. 08CA004 - Stoney Creek South Subdivision

A request by Boschee Engineering for Stoney Creek Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development** on Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610, 5624 and 5712 Bendt Drive.

The Future Land Use Committee recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development be approved.

23. No. 08RZ004 - Stoney Creek South Subdivision

A request by Boschee Engineering for Stoney Creek Development to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610, 5624 and 5712 Bendt Drive.

Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, Planning Commission that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development.

*24. No. 08PD005 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 216 Anamaria Drive.

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

1. **A Major Amendment to the Planned Commercial Development be obtained if emergency services are added in the future;**
2. **Prior to issuance of a building permit the applicant shall reduce the width of the driveway from 32 feet to 28 feet or obtain an exception to the Rapid City Street Design Criteria Manual;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
5. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
6. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
7. **All applicable provisions of the International Fire Code shall be continually met;**
8. **The building shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to a Planned Commercial Development. Changes to the proposed plans and elevations, which the Growth Management Director determines to be consistent with the original approved plans and elevations, may be allowed as a Minimal Amendment to the Planned Commercial Development;**
9. **The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan;**

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10. If the area of disturbance exceeds one acre, an Air Quality Permit must be obtained prior to issuance of a building permit;
11. A sign permit must be obtained prior to installation of any signage and all signage shall be located outside of the drainage easement;
12. Prior to issuance of a building permit all affected easements shall be vacated or the structures shall be relocated out of the existing easements;
13. 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; and,
14. The Major Amendment to a Planned Commercial Development 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.

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

*25. No. 08PD006 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a parcel of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being on the southerly lot line of Lot 7 of Rockinon Ranch Estates, recorded at the Pennington County Register of Deeds Office in Plat Book 34 Page 77, the southwesterly corner of said Lot 7, which is marked by a 5/8" rebar with survey cap marked "Thingelstad SD RLS 4371" bears S89°52'20"W a distance of 7.35 feet from the Point of Beginning, said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 7 bearing N89°52'20"E and a distance of 81.62 to the southeasterly corner of said Lot 7; Thence Second Course: along a line bearing N79°07'38"E and a distance of 52.94 feet to the southwesterly corner of Lot 32 of said Rockinon Ranch Estates; Thence Third Course: along the southerly line of said Lot 32 bearing N89°52'20"E and a distance of 106.02 feet to the southeasterly corner of said Lot 32; Thence Fourth Course: along the easterly line of said Lot 32 bearing N00°04'14"W and a distance of 13.56 feet to the southwesterly corner of Lot 31 of said Rockinon Ranch Estates; Thence Fifth Course: along said southerly line of said Rockinon Ranch Estates bearing N89°52'20"E and a distance of 244.00 feet to the southeasterly corner of Lot 22 of said Rockinon Ranch Estates which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Sixth Course: along a line bearing N00°04'21"W and a distance of 75.57 feet; Thence Seventh Course: along the southerly line of said Rockinon Ranch Estates bearing N 89°52'20"E and a distance of 83.31 feet; Thence Eighth Course: continuing along the southerly line of said Rockinon Ranch Estates bearing S45°43'39"E and a distance of 14.11 feet; Thence Ninth Course: along a line bearing S89°58'41"E

and a distance of 31.00 feet to an intersection with the Section Line common to Section 23 and Section 24; Thence Tenth Course: along said Section Line bearing S00°01'19"W and a distance of 501.61 feet to the N-S 1/64 Section Corner which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Eleventh Course: along said C-N 1/64 section line of said Section 23 bearing S89°55'28"W and a distance of 606.58 feet to point, said point bears S89°55'28"W and a distance of 710.88 feet from the C-N-SE 1/64 Section Corner which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Twelfth Course: along a line bearing N00°09'40"W and a distance of 412.00 feet to the Point of Beginning, more generally described as being located west of Bunker Drive and south of Lennon Lane.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the April 10, 2008 Planning Commission meeting to allow the applicant time 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.

*28. No. 08PD011 - Minnesota Ridge Subdivision

A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2 of Tract A of Minnesota Ridge Subdivision, located in the NW1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4015 Fifth Street.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the April 10, 2008 Planning Commission meeting.

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.

29. No. 08PL007 - Bar P-S Subdivision

A request by Davis Engineering, Inc. for Merlin Stromer to consider an application for a **Preliminary Plat** on Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South

Dakota, more generally described as being located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.

Planning Commission denied the Preliminary Plat without prejudice at the applicant's request.

30. No. 08SV003 - Bar P-S Subdivision

A request by Davis Engineering, Inc. for Merlin Stromer to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.

Planning Commission denied the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code without prejudice at the applicant's request.

31. No. 08PL016 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Preliminary Plat to the May 22, 2008 Planning Commission meeting.

32. No. 08SV010 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of**

the Rapid City Municipal Code on Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the section line highway, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the May 22, 2008 Planning Commission meeting.

33. No. 08PL017 - Murphy Ranch Estates Subdivision

A request by Davis Engineering to consider an application for a **Preliminary Plat** on Lots 3 thru 10 and Lot 12 of Block 6 of Murphy Ranch Estates Subdivision, located in the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on Flintlock Court east of Reservoir Road and south of Longview Road.

Planning Commission approved the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 2. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 3. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**

34. No. 08PL020 - Auburn Hills Subdivision - Phase IV

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Lots 12 thru 13 of Block 4, Lots 1 thru 21 and Lots 33 thru 38 of Block 8, Lots 1 thru 5 of Block 9, Lots 1 thru 20 of Block 10, and Lot 1 of Block 11, Auburn Hills Subdivision, Sections 13 and 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, Section 13, a portion of the SW1/4 of the NW1/4, Section 13, a portion of the SE1/4 of the NE1/4, Section 14, and a portion of the

NE1/4 of the SE1/4 Section 14, located in the NW1/4 of the SW1/4, and the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Cobalt Drive and north of Auburn Drive and Charmwood Drive.

Planning Commission continued the Preliminary Plat to the April 10, 2008 Planning Commission meeting.

38. No. 08PL026 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Harley Taylor to consider an application for a **Preliminary Plat** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25 13'48"W, and a

chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance of 130.02 feet more or less, to the

point of beginning, more generally described as being located southern terminus of Carriage Hills.

Planning Commission continued the Preliminary Plat to the April 10, 2008 Planning Commission at the applicant's request.

39. No. 08SV012 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Harley Taylor to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a

chord bearing of S25 13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance

of 130.02 feet more or less, to the point of beginning, more generally described as being located southern terminus of Carriage Hills.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code to the April 10, 2008 Planning Commission meeting at the applicant's request.

40. No. 08SR004 - Sections 3 and 10, T1N, R8E

A request by West River Electric Association to consider an application for an **SDCL 11-6-19 Review to allow the relocation of a transmission line within the public right-of-way** on Western 25 feet of Reservoir Road right-of-way, Section 3 and Section 10, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 25 feet adjacent to west side of Sections 3 and 10.

Planning Commission continued the SDCL 11-6-19 Review to allow the relocation of an electric transmission line within the public right-of-way to the April 10, 2008 Planning Commission meeting.

41. No. 08SR005 - Rapid City Greenway Tract

A request by Tim Rangitsch for BH MBA to consider an application for an **SDCL 11-6-19 Review to construct a bike park on public land** on that part of Tract 17 of the Rapid City Greenway Tract located west of the intersection of Mountain View Road and West Omaha Street, Section 34, T2N, R7E and Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha, west of the intersection of Mountain View Road and West Omaha.

Planning Commission continued the SDCL 11-6-19 Review to construct a bike park on public land to the April 10, 2008 Planning Commission meeting.

42. No. 08SR010 - Founders Park Subdivision

A request by Black Hills Mountain Bike Association for Parks and Recreation Department to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 17 less Lot H1 of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the April 10, 2008 Planning Commission meeting.

43. No. 08SR009 - Rapid City Airport Subdivision No. 6

A request by Kadrmas, Lee & Jackson, Inc. for Premier Aviation, LLC to consider

an application for an **SDCL 11-6-19 Review to allow the construction of structures and utilities on public property** on all of Section less portion of Rapid City Airport Subdivision No. 6, unplatted, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Rapid City Regional Airport.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of structures and utilities on public property.

52. No. 08SR022 - Rapid City Greenway Tract

A request by Tim Kobes for City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the installation of an emergency generator on public property** on Lots A and B of Tract 3 of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow the installation of an emergency generator on public property.

54. No. 08VR003 - Wise's Addition

A request by FourFront Design, Inc. for Youth & Family Services, Inc. to consider an application for a **Vacation of Right-of-way** on the Monroe Street Right-of-way on the north 14 feet of Monroe Street contiguous with Lot A of Block 12, Wise's Addition, located in the SE1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 East Monroe Street.

Planning Commission approved the Vacation of Right-of-way.

55. 08TP007 – 2008-2012 Transportation Improvement Program Amendment No. 08-005.

Planning Commission approved the 2008-2012 Transportation Improvement Program Amendment No. 08-005.

---END OF CONSENT CALENDAR---

6. 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.

Dominicak presented the staff's recommendation to deny the Layout Plat without prejudice at the applicant's request.

Waltman moved, Collins seconded and unanimously carried to deny the Layout Plat without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

Finck requested that items 10, 11 and 12 be taken concurrently.

10. No. 07PL178 - Hilltop Business Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank to consider an application for a **Preliminary Plat** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Homestead Street.

Janelle Finck, Fisk Land Surveying & Consulting Engineers, Inc. requested that the Planning Commission consider and approve the Preliminary Plat, the Variance to the Subdivision Regulations and the Vacation of Access Easement requests.

Elkins stated that as per Planning Commission policy requires that the requests go forward as recommended by staff. Discussion followed.

Elkins advised that upon further discussion with staff, the applicant has submitted the required information in a timely fashion and, as such the items can be approved. Discussion followed.

Elkins recommended that the requests be taken individually.

Landguth moved, Collins seconded and unanimously carried to approve the Preliminary Plat with the following stipulations:

1. **That Prior to City Council approval, the cost estimates for the Subdivision improvements be submitted for review and approval,**
2. **That Prior to City Council approval, the applicant submit for review and approval construction plans showing the shared access easement with the 59 feet, 26 feet of pavement width, curb, gutter, sidewalk, street light conduit, water and sewer for the shared access easement or the Variance be obtained;**
3. **Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans identifying sidewalks along Homestead Street or the Variance be obtained;**
4. **Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans for Elk Vale Road identifying curb, gutter sidewalk along Elk Vale Road or the Variance be obtained;**
5. **Upon submittal of a Final Plat application, surety for any required**

- subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
6. **Prior the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)**

11. No. 07SV073 - Hilltop Business Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Homestead Street.

Elkins reviewed the stipulations for approval for the Variance to the Subdivision Regulations requests. Discussion followed.

Collins moved, Scull seconded and unanimously carried to approve to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road with the following stipulations:

1. **That the applicant enter a Waiver of Right to protest any future assessment.**

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. **That the sidewalks be installed on one side of Homestead Street.**

That the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement and to reduce the shared access easement from 59 feet to 30 feet be denied. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

12. No. 08VE002 - Rushmore Business Park

A request by Fisk Land Surveying & Consulting Engineers for 4 B LLC to consider an application for a **Vacation of Access Easement** on Lot 3, Block 1, Rushmore Business Park, located in the S1/2 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3635 Homestead Street.

Elkins presented the staff's recommendation to approve the Vacation of Access Easement.

Collins moved, Scull seconded and unanimously carried to approve the Vacation of Access Easement. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

*18. No. 07UR011 - Section 30, T2N, R8E

A request by Maple Avenue Development, LLC for Laura A. Hawkins to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 1 of LJS Subdivision, located in the NW1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed September 9, 1999 and recorded in Book 29 of Plats on Page 86 of the office of the Register of Deeds, said corner also being located on the north edge of Maple Avenue right-of-way; thence, northerly along the east line of said Lot 1 of LJS Subdivision, N00°07'31"E, a distance of 250.42 feet more or less; thence, S74°21'24"E, a distance of 200.00 feet more or less; thence, S10°46'22"E, a distance of 145.00 feet more or less; thence, S08°59'42"E, a distance of 55.00 feet more or less to a point on the north line of said Maple Avenue right-of-way; thence, westerly along the north line of said Maple Avenue right-of-way, N89°55'48"W, a distance of 228.84 feet more or less, to the point of beginning, more generally described as being located at 2310 North Maple Avenue.

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

Anderson moved, Landguth seconded and carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the April 10, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth and Scull voting yes and none voting no and Waltman abstaining)

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

*26. No. 08PD008 - Regional Hospital Addition

A request by Trey Heaton for Vern Osterloo to consider an application for a **Major Amendment to a Planned Commercial Development to allow the expansion of a hospital** on Tract AR-1 and the north 30 feet of vacated Third Street of said Lot of the Regional Hospital Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described

as being located at 353 Fairmont Boulevard.

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

Collins moved, Scull seconded and carried to approve the Major Amendment to a Planned Commercial Development to allow the expansion of a hospital 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. **All applicable provisions of the International Fire Code shall be continually met;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the previously approved parking plan;**
5. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the previously approved landscape plan;**
6. **All construction shall comply with the approved building elevations;**
7. **Prior to issuance of a building permit a revised grading and drainage plan must be submitted for review and approval;**
8. **Prior to issuance of a building permit an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual must be submitted for review and approval;**
9. **All applicable stipulations of the original Planned Commercial Development shall still apply; and,**
10. **The Major Amendment to the Planned Commercial Development 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. (8 to 0 to 1 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth and Scull voting yes and none voting no and Waltman abstaining)**

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

*27. No. 08PD009 - SSJE Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 Kermit Lane.

Dominicak presented the staff's recommendation to continue the Planned Commercial Development request to the April 10, 2008 Planning Commission meeting.

Collins moved, Waltman seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

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

35. No. 08PL024 - Highland Hills Subdivision

A request by Britton Engineering & Land Surveying, Inc. for Ralph and Sylvia Vojta to consider an application for a **Preliminary Plat** on Lots 14r and 15R of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 14 and 15 of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8710 Highland Hill Road.

Dominicak presented the staff's recommendation to deny the Preliminary Plat without prejudice at the applicant's request.

Collins moved, Etter seconded and unanimously carried to deny the Preliminary Plat without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

36. No. 08SV011 - Highland Hills Subdivision

A request by Britton Engineering & Land Surveying, Inc. for Ralph and Sylvia Vojta to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 14r and 15R of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 14 and 15 of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8710 Highland Hill Road.

Dominicak presented the staff's recommendation to deny the Variance to the Subdivision Regulations without prejudice at the applicant's request.

Collins moved, Waltman seconded and unanimously carried to deny the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the

Rapid City Municipal Code without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

37. No. 08PL025 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development to consider an application for a **Preliminary Plat** on Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3522 Sawgrass Court.

Fisher presented the staff's recommendation to continue the Preliminary Plat request to the April 10, 2008 Planning Commission meeting.

Collins moved, Landguth seconded and unanimously carried to continue the Preliminary Plat to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

44. No. 08SR013 - Section 8, T1N, R8E

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of accessory structures** on a portion of the SW1/4 SE1/4, less east 424.2 feet, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2200 E. Fairmont Blvd.

John Buell, agent for Verizon Wireless, reviewed the SDCL 11-6-19 Review request. Discussion followed.

Bob Fuchs requested that the SDCL 11-6-19 Review request be continued to have further discussions with Alltel. Discussion followed.

Collins moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to the April 24, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

45. No. 08SR015 - Section 18, T1N, R8E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lots 38 and 39 of Block 11, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the Centennial Parkway - 3820 Odde Drive.

Dominicak presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the April 10, 2008 Planning Commission meeting.

Collins moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a sign on public property to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

Dominicak requested that items 46 thru 51 be taken concurrently.

46. No. 08SR016 - Sections 5, T1N, R8E
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lot 4 of Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1615 Sedivy Lane.
47. No. 08SR017 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 E. Omaha Street.
48. No. 08SR018 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.
49. No. 08SR019 - North Rapid Subdivision
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Lots 23 thru 32 of Block 14, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 Van Buren Street.
50. No. 08SR020 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.
51. No. 08SR021 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 18B of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 210 Founders Park.

Dominicak presented the staff's recommendation to continue the SDCL 11-6-19 Review requests to the April 10, 2008 Planning Commission meeting.

Collins moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review requests to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

53. No. 08VE003 - Stoney Creek Subdivision

A request by Boschee Engineering for JCP Land Co. to consider an application for a **Vacation of a portion of a Non-Access Easement** on Lot 4 of Block 7 of Stoney Creek Subdivision, located in the NW 1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at the northwest corner of the intersection of Bendt Drive and Yale Court.

Dominicak presented the staff's recommendation to continue the Vacation of a portion of a Non-Access Easement request to the April 10, 2008 Planning Commission meeting.

Waltman moved, Collins seconded and unanimously carried to continue the Vacation of a portion of a Non-Access Easement to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

56. 08TP011 – **2008-2012 Transportation Improvement Program Amendment #08-006**

Elkins presented the staff's recommendation to approve the Transportation Improvement Program Amendment. Discussion followed.

Landguth moved, Collins seconded and unanimously carried to approve the 2008-2012 Transportation Improvement Program Amendment No. 08-006 with the revised a location description. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

Motion by Derby, Seconded by Anderson and unanimously carried to reconsider the Consent Agenda Items 1 thru 56 with the exception of items 6, 10, 11, 12, 18, 26, 27, 35, 36, 37, 44, 45, 46, 47, 48, 49 50, 51, 53 and 56. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

A member of the audience requested that Items 5, 13, 14, 15 and 16 be removed from the Consent Agenda for separate consideration.

Motion by Derby, Seconded by Anderson and unanimously carried to

approve the balance of the Consent Agenda with the exceptions of items 5, 13, 14, 15 and 16. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

5. No. 07CA062 - Sections 18 and 19, T2N, R8E

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street** on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on the proposed LaCrosse Street north of Seger Drive.

Jamie Carpenter expressed her concern for the possible negative impact of increased traffic from the proposed development on the property. Discussion followed.

Scull moved, Collins seconded and unanimously carried to continue the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

Items 13 thru 16 were taken concurrently.

13. No. 07PL180 - Prairie Meadows Subdivision

A request by Dream Design International for Signature Homes, LLC to consider an application for a **Layout Plat** on Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision, located in Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less Right-of-way, the unplatted balance of the SE1/4 SW1/4, and the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

14. No. 08CA001 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course:

N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

15. No. 08CA002 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the

point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd.

16. No. 08RZ002 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

Etter moved, Collins seconded and unanimously carried to continue the Layout Plat, the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development, Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District to Medium Density Residential District with a Planned Residential Development, and the Rezoning from Low Density Residential District to Medium Density Residential District to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 57, 58 and 59 be taken concurrently.

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

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

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

A request by Whittingham & Lestrangle, LPI to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

*59. No. 08PD007 - Tower Ridge Subdivision

A request by Douglas W. Hamilton for Whittingham and LeStrange, LPI to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being the southwesterly lot corner of Lot 1 of Block 1 of Aladdin Heights Subdivision, recorded at the Pennington County Register of Deeds Office in Plat Book 12 Page 158, which is marked by a 5/8" rebar with survey cap marked "LS 6117", said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 1 of Block 1 bearing S89°54'29"E and a distance of 157.84 feet to the southwesterly corner of Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located east of U.S. Highway 16 and north of Promise Road.

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

Collins moved, Derby seconded and carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code and the Planned Commercial Development - Initial

Development Plan to the April 24, 2008 Planning Commission meeting. (7 to 0 to 2 with Anderson, Collins, Derby, Etter, Gregg, Landguth and Waltman voting yes and none voting no and Brewer and Scull 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.

Smith requested items 60, 61 and 62 be taken concurrently.

60. No. 08AN002 - Highview Subdivision

A request by Craig and Tamara Mested to consider an application for a **Petition for Annexation** on Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Smith presented the staff's recommendation to approve the Petition for Annexation, the Layout Plat and to approve in part with stipulations; deny in part without prejudice the Variance to the Subdivision Regulations requests with stipulations. Discussion followed.

Fern Johnson expressed her opposition to the width reduction of the access easement on the subject property. Johnson stated that there is no agreement to vacate the section line highway adjacent to the subject property.

Craig Mested, the applicant requested that the easement width remain 44 feet rather than 66 feet.

In response to Derby's questions, Elkins stated that the Johnson's request that the 66 foot easement be dedicated as right-of-way in place of a 45 foot wide easement.

In response to Scull's question, Mested identified the proposed location of Moon Meadows Road.

Elkins identified the locations of the existing and proposed roads surrounding the subject property. Elkins further reviewed possible future developments on and surrounding the subject property. Discussion followed.

Collins expressed her support for the additional easement width.

Mested expressed his support to maintain the 66 foot wide easement but that the designated access easement should remain a minor arterial street. Discussion followed.

Elkins recommended that the Planning Commission review each application on an individual basis. Discussion followed.

DRAFT

Anderson moved, Waltman seconded and unanimously carried to approve the Petition for Annexation contingent on any payment due to Whispering Pines Volunteer Fire District. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

61. No. 08PL012 - Highview Subdivision

A request by Craig and Tamara Mested to consider an application for a **Layout Plat** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Elkins reviewed the stipulations of approval for the Layout Plat. Discussion followed.

Anderson moved, Landguth seconded and unanimously carried to approve the Layout Plat with the following stipulations:

1. **Upon submittal of a Preliminary Plat application the applicant shall revise the plat document to identify the portions of proposed Lots A and B located north of the access easement be platted as part of proposed Lot D;**
2. **Prior to Preliminary Plat approval by the City Council the property shall be annexed into the municipal limits of the City of Rapid City;**
3. **Prior to approval of Preliminary Plat approval by the City Council the applicant shall obtain an Exception to allow access to five (5) lots by the existing access easement, or the plat document shall be revised to identify Sammis Trail as a public right-of-way;**
4. **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. In addition information demonstrating that adequate fire and domestic flows are being shall be submitted for review and approval. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
5. **Upon submittal of a Preliminary Plat application sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes 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 systems are proposed, then an on-site wastewater plan prepared by a Registered Professional Engineer showing the depth of soil, type of soil, location and capacity of all septic tanks proposed location and results of the percolation tests demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval;**
6. **Upon submittal of a Preliminary Plat a grading and erosion and sediment control plan shall be submitted for review and approval;**

7. Upon the submittal of a Preliminary Plat application, construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 66 foot right-of-way and designated as a sub-collector street constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, and street light conduit, or a Variance to the Subdivision Regulations shall be obtained;
8. Upon the submittal of a Preliminary Plat application, construction plans for the section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 66 foot wide Section Line right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, street light conduit, and sidewalk, or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
9. Prior to approval of a Preliminary Plat the plat document shall be revised to identify a turnaround(s) every 600 feet along the access easement, or an Exception to the Street Design Criteria Manual shall be obtained;
10. Prior to approval of a Preliminary Plat the plat document shall be revised to specifically reference the section line highway on the eastern boundary of the property to ensure the right-of-way is not inadvertently vacated;
11. Upon submittal of a Preliminary Plat, a drainage plan and information shall be submitted for review and approval. In particular the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed predeveloped flows, or on-site detention shall be provided. In addition the plat document shall be revised to provide drainage easements as needed;
12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
13. Upon submittal of a Preliminary Plat application a stormwater management plan in compliance with the Stormwater Quality Manual shall be submitted for review and approval;
14. Upon submittal of a Preliminary Plat application a geotechnical report including pavement design shall be submitted for review and approval, or a Variance to the Subdivision Regulations shall be obtained;
15. Upon submittal of a Final Plat application the applicant shall submit proof of the legal entity, which will provide for the mechanism for street maintenance and snow removal if the proposed streets are to be private.
16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull

and Waltman voting yes and none voting no)

62. No. 08SV007 - Highview Subdivision

A request by Craig and Tamara Mestad to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sammis Trail and Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Elkins reviewed the stipulations of approval for the Variance to the Subdivision Regulations request.

Collins moved, Etter seconded and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sammis Trail as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations:

1. **Sammis Trail access easement shall be dedicated as right-of-way; and,**
2. **Prior to approval by City Council the applicant sign a waiver or right to protest future assessments.**

That the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway be approved with the following stipulation.

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

*63. No. 07PD102 - Kashmir Subdivision

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

Smith presented the staff's recommendation that the Planned Commercial Development request be continued to the April 24, 2008 Planning Commission meeting.

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

Collins moved, Etter seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the April 24, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Collins, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no and Derby abstaining)

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

*64. No. 08PD004 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the landscaping plan** on a portion of the SW1/4 of the SW1/4 of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1 of the SW1/4 of SE1/4, Section 29, a portion of Tract C of SW1/4, Section 29, and Tract C of NE1/4 of NW1/4 and NW1/4 of NE1/4, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet; Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course: S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99

feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°54'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°03'27"E, a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°22'08"E, a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course:

N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of 16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W, a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W, a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Elkins presented the staff's recommendation to continue the Major Amendment request to the April 10, 2008 Planning Commission meeting.

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

Collins moved, Etter seconded and carried to continue the Major Amendment to a Planned Commercial Development to the April 10, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth and Scull voting yes and none voting no and Waltman abstaining)

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

*65. No. 08PD010 - Rushmore Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of Tract E of Rushmore Crossing, located in the S½ of the SW¼, of Section 29, and in the NE¼ of the NW¼, and the NW¼ of the NE¼ of Section 32, 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 N82 37'15"E, a distance of 1996.91 feet, to the point of beginning; Thence first course: S53 03'27"E, a distance of 289.19 feet, to the point of curve; Thence second course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08 18'41", a length of 29.01 feet, a chord bearing of S57 12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence third course: S61 22'08"E, a distance of 218.47 feet, to the point of curve; Thence fourth course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01 03'23", a length of 3.69 feet, a chord bearing of S60 50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence fifth course: S60 18'45"E, a distance of 228.27 feet; Thence sixth course: S28 36'26"W, a distance of 18.08 feet; Thence seventh course: N61 21'34"W, a distance of 0.17 feet; Thence eighth course: S28 36'23"W, a distance of 1.33 feet; Thence ninth course: S61 23'22"E, a distance of 0.17 feet; Thence tenth course: S28 36'23"W, a distance of 2.00 feet; Thence eleventh course: N61 23'31"W, a distance of 0.58 feet; Thence twelfth course: S28 36'27"W, a distance of 20.00 feet; Thence thirteenth course: S61 23'31"E, a distance of 0.58 feet; Thence fourteenth course: S28 36'28"W, a distance of 2.00 feet; Thence fifteenth course: N61 23'22"W, a distance of 0.17 feet; Thence sixteenth course: S28 36'23"W, a distance of 1.33 feet; Thence seventeenth course: S61 23'22"E, a distance of 0.17 feet; Thence eighteenth course: S28 36'23"W, a distance of 2.00 feet; Thence nineteenth course: N61 23'34"W, a distance of 0.83 feet; Thence twentieth course: S28 36'27"W, a distance of 13.67 feet; Thence twenty-first course: S61 23'22"E, a distance of 0.17 feet; Thence twenty-second course: S28 36'27"W, a distance of 5.33 feet; Thence twenty-third: N61 23'22"W, a distance of 0.17 feet; Thence twenty-fourth course: S28 36'26"W, a distance of 17.67 feet; Thence twenty-fifth course: S61 24'22"E, a distance of 0.17 feet; Thence twenty-sixth course: S28 36'27"W, a distance of 10.33 feet; Thence

twenty-seventh course: N61 23'32"W, a distance of 10.33 feet; Thence twenty-eighth course: N28 36'38"E, a distance of 0.33 feet; Thence twenty-ninth course: N61 23'34"W a distance of 278.33 feet; Thence thirtieth course: S28 36'26"W, a distance of 43.33 feet; Thence thirty-first course: N61 23'34"W, a distance of 94.67 feet; Thence thirty-second course: N28 36'26"E, a distance of 17.16 feet; Thence thirty-third: N61 22'14"W, a distance of 162.00 feet; Thence thirty-fourth course: N28 36'24"E a distance of 16.60 feet; Thence thirty-fifth course: N61 23'34"W, a distance of 109.33 feet; Thence thirty-sixth course: S28 35'58"W, a distance of 56.25 feet; Thence thirty-seventh course: N61 39'08"W a distance of 26.67 feet; Thence thirty-eighth course: N28 36'26"E, a distance of 16.02 feet; Thence thirty-ninth course: N61 23'20"W, a distance of 92.67 feet; Thence fortieth course: N28 36'41"E a distance of 18.54 feet; Thence forty-first: N72 51'25"E a distance of 7.10 feet; Thence forty-second: N28 46'21"E a distance of 138.00 feet; Thence forty-third: N73 46'22"E a distance of 5.38 feet; Thence forty-fourth: N28 46'21"E a distance of 26.32 feet, to the point of beginning, more generally described as being located southwest of the intersection of Eglin Street and East North Street.

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

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

Collins moved, Landguth seconded and carried to approve the Planned Commercial Development - 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, 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 Certificate of Occupancy, a minimum of 341 parking spaces shall be constructed within 300 feet of the main entry into the building(s). In addition, eight of the parking spaces shall be handicap accessible spaces with one of the spaces being "van" handicap accessible. Landscaping and lighting shall also be constructed within the parking lot as per the previously approved parking plans;**
- 4. Prior to issuance of a Certificate of Occupancy, Eglin Street shall be constructed from LaCrosse Street to E. North Street. In addition, the previously approved screening fence with landscaping shall be in place along Interstate 90;**
- 5. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 6. The roof top mechanical equipment shall be screened from view along the front and side(s) of the buildings. In addition, the roof top**

- mechanical equipment and the screening shall be camouflaged in color to match the color of the roof;
7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 8. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed;
 9. 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(s) shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
 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. (8 to 0 to 1 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth and Scull voting yes and none voting no and Waltman abstaining)

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

66. No. 08SR012 - Original Town of Rapid City
A request by Upper Deck Architects for YMCA to consider an application for an SDCL 11-6-19 Review to construct structures in right-of-way and to

improve right-of-way on Kansas City Right-of-way, Ninth Street Right-of-way and the alley located adjacent to the south 20 feet of Lot 1 and the south 20 feet of Lot 2, the north 120 feet of lot 1 and the north 120 feet of east 20 feet of lot 2, west five feet of lot 2 and all of Lots 3 thru 11, of Block 101, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Ninth Street and Kansas City Street.

Fisher presented the staff's recommendation to approve the SDCL 11-6-19 Review request with stipulations. Discussion followed.

George Dunham, applicant expressed his support for the proposed development on the subject property and the positive impact to the community.

Collins moved, Etter seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct structures in right-of-way and to improve right-of-way with the following stipulations:

- 1. Prior to Planning Commission approval, the construction plans shall be sealed and signed by a Professional Engineer;**
- 2. Prior to Planning Commission approval, the pile caps shall be designed to comply with the International Building Code or an Exception shall be obtained from the Building Code Board of Appeals;**
- 3. Prior to Planning Commission approval, the canopies shall be designed to comply with the International Building Code or an Exception shall be obtained from the Building Code Board of Appeals;**
- 4. Prior to Planning Commission approval, the construction plans shall be revised to identify that the skywalk will be sprinklered as per the International Building Code and the International Fire Code;**
- 5. A minimum 76 foot wide clear area shall be maintained between the support columns along 9th Street; and,**
- 6. Prior to Planning Commission approval, the applicant shall submit documentation identifying that the skywalk will be open to the public during regular business hours. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)**

Fisher requested that items 67 and 68 be taken concurrently.

67. No. 08SR014 - Sections 30, 31 and 32, T2N, R8E
A request by Kadrmas, Lee and Jackson for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to authorize the acquisition of right-of-way** on described as beginning at the southwest corner of Lot B of Lot 5R of Meridian Subdivision in the SE1/4 of Section 30; thence southerly along the west line of Lot A of Lot 5R of said Meridian Subdivision on a bearing of S02 01'03"W, a distance of 155.8 feet to the Point of Beginning, thence easterly on a bearing of S87 52'15"E, a distance of 1451.9 feet along the centerline of existing East Anamosa Street; thence southeasterly through a portion of Tract A in the NE¼

NE¼ of Section 31 along a curve having a radius of 800 feet, a distance of 388.0 feet to the end of said curve; thence southeasterly through a portion of said Tract A on a bearing of S60 04'43"E, a distance of 93.0 feet to DM&E Railroad Right of Way, thence continuing southeasterly through said DM&E Railroad Right of Way on a bearing of S60 04'43"E, a distance of 171.4 feet to the west line of Lot 2 of Meadowlark Hills Subdivision in the NE¼ of Section 31; thence continuing southeasterly through said Lot 2 on a bearing of S60 04'43"E, a distance of 608.1 feet to the west line of Lot A of West Century Subdivision in the NW¼ NW¼ of Section 32; thence continuing southeasterly through said Lot A on a bearing of S60 04'43"E, a distance of 430.3 feet to the beginning of a curve; thence southeasterly through said Lot A on a curve having a radius of 1000 feet; a distance of 397.3 feet to the west line of existing Century Road Right of Way; thence continuing along said curve through said Century Road Right of Way, a distance of 99.3 feet to the west line of Tract 1 and Lot H1 of Century 21 Subdivision in the NW¼ of Section 32; thence continuing southeasterly through a portion of said Tract 1 and Lot H1 along said curve a distance of 0.4 feet to the end of said curve; thence southeasterly through a portion of said Tract 1 and Lot H1 on a bearing of S31 36'09"E for a distance of 661.9 feet to the beginning of a curve; thence southeasterly through said Lot H1 on a radius of 1490.5 feet, a distance of 292.82 feet to the end of said curve; thence southeasterly through said Lot H1 on a bearing of S42 51'04"E, a distance of 228.4 feet to the west Right of Way line of East-North Street and also being the end of project, all located in Township 2 North, Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, State of South Dakota, more generally described as being located on the East Anamosa Street right-of-way from Lacrosse Street to East North Street.

68. No. 08SR026 - Sections 30, 31 and 32, T2N, R8E

A request by Kadrmas, Lee and Jackson for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to construct a public street** on described as beginning at the southwest corner of Lot B of Lot 5R of Meridian Subdivision in the SE1/4 of Section 30; thence southerly along the west line of Lot A of Lot 5R of said Meridian Subdivision on a bearing of S02 01'03"W, a distance of 155.8 feet to the Point of Beginning, thence easterly on a bearing of S87 52'15"E, a distance of 1451.9 feet along the centerline of existing East Anamosa Street; thence southeasterly through a portion of Tract A in the NE¼ NE¼ of Section 31 along a curve having a radius of 800 feet, a distance of 388.0 feet to the end of said curve; thence southeasterly through a portion of said Tract A on a bearing of S60 04'43"E, a distance of 93.0 feet to DM&E Railroad Right of Way, thence continuing southeasterly through said DM&E Railroad Right of Way on a bearing of S60 04'43"E, a distance of 171.4 feet to the west line of Lot 2 of Meadowlark Hills Subdivision in the NE¼ of Section 31; thence continuing southeasterly through said Lot 2 on a bearing of S60 04'43"E, a distance of 608.1 feet to the west line of Lot A of West Century Subdivision in the NW¼ NW¼ of Section 32; thence continuing southeasterly through said Lot A on a bearing of S60 04'43"E, a distance of 430.3 feet to the beginning of a curve; thence southeasterly through said Lot A on a curve having a radius of 1000 feet; a distance of 397.3 feet to the west line of existing Century Road Right of Way; thence continuing along said curve through said Century Road Right of Way, a distance of 99.3 feet to the west line of Tract 1 and Lot H1 of Century 21

Subdivision in the NW¼ of Section 32; thence continuing southeasterly through a portion of said Tract 1 and Lot H1 along said curve a distance of 0.4 feet to the end of said curve; thence southeasterly through a portion of said Tract 1 and Lot H1 on a bearing of S31 36'09"E for a distance of 661.9 feet to the beginning of a curve; thence southeasterly through said Lot H1 on a radius of 1490.5 feet, a distance of 292.82 feet to the end of said curve; thence southeasterly through said Lot H1 on a bearing of S42 51'04"E, a distance of 228.4 feet to the west Right of Way line of East-North Street and also being the end of project, all located in Township 2 North, Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, State of South Dakota, more generally described as being located on the East Anamosa Street right-of-way from Lacrosse Street to East North Street.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review requests to the April 10, 2008 Planning Commission meeting.

Collins moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to authorize the acquisition of right-of-way and the SDCL 11-6-19 Review to construct improvements on a public street to the April 10, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

69. No. 08TI003 - Rainbow Ridge Subdivision

A request by City of Rapid City to consider an application for a **Revised Project Plan for Tax Increment District No. 54 - Rainbow Ridge** on a parcel of land in the S1/2 NE1/4 including right-of-way, Section 23, T2N, R7E; N1/2 SW1/4 including right-of-way, Section 24, T2N, R7E; and Lots 6 thru 17 of Block 5 including right-of-way, all of Block 10 including right-of-way, all of Block 11 including right-of-way, all located in CHMH Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Haines Avenue.

Bulman presented the revised Tax Increment District No. 54 Revised Project Plan.

In response to Brewer's question, Bulman stated that the Public Works Department determined that a reservoir has a higher priority than the well. Elkins reviewed the long term plan requiring additional water and the access to aquifers for surrounding developments.

Landguth moved, Gregg seconded and unanimously carried to approve the Revised Project Plan for Tax Increment District No. 54. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

70. No. 08VE004 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for All Around Construction, Inc. to consider an application for a **Vacation of a Note on a Plat** on Lot 12 of Block 5

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of Rapid Valley Subdivision, located in the NE1/4 NE1/4, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Sedivy Lane and East Saint Francis Street.

Smith presented staff's recommendation that the Vacation of a Note for East St. Francis street be denied and that the Vacation of a Note on a Plat for Sedivy Lane be approved with stipulations. Discussion followed.

Derby moved, Scull seconded and unanimously carried to deny the Vacation of the Note on the Plat for the setback to East Saint Francis Street and approve the note for the setback on Sedivy Lane with the following stipulation:

- 1. Prior to City Council approval, a revised exhibit showing only the vacation of the note for the setback to Sedivy Lane shall be submitted for review and approval. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)**

71. **08TP005 – Approval of a Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013**

Heller presented the Transportation Improvement Program Projects Fund Resolution. Discussion followed.

Collins expressed her concern for the Mall Drive construction being extended. Discussion followed.

Scull moved, Landguth seconded to approve the Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013

Waltman expressed her concern for the possible negative impact to Mall Drive construction being extended. Discussion followed.

Substitute motion by Collins, Waltman to approve the Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013 and to recommend that the City Council invite involvement from the County to participate in road improvement funds.

Derby expressed concern for safety along Mall Drive. Discussion followed.

Anderson expressed his concern for the possibility that funds allocated for road construction will be diminished at termination of the Transportation Improvement Programs Project. Anderson suggested that Pennington County be made aware of the possible fund reduction from the Department of Transportation. Discussion followed.

Substitute motion by Collins, seconded by Waltman to approve the Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009 – 2013 and that Council invite Pennington County to address transportation issues on Mall Drive with a copy to the Department of Transportation. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

Brewer expressed his support for the past and future land use meetings scheduled by staff for community involvement in road improvements. Discussion followed.

Elkins reviewed the dates and times of upcoming meetings. Discussion followed.

72. Discussion Items

A. Ex-parte Communications Policy – Joel Landeen

Collins moved, Landguth seconded and unanimously carried to continue the Ex-Parte Communications Policy to the April 24, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

B. Allowable Building Heights General Commercial Zoning District

Collins moved, Waltman seconded and unanimously carried to continue the Allowable Building Heights General Commercial Zoning District to the May 22, 2008 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

73. Staff Items

Elkins advise that Bob Dominicak will be assisting with the Planning Commission meetings for the month of April as she will not be in the office for that month.

74. Planning Commission Items

75. Committee Reports

A. City Council Report (March 3, 2008)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 07CA023 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial**

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

No. 07RZ043 - Tower Ridge No. 2 Subdivision

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

On February 21, 2008 the Planning commission recommended that the **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and Rezoning from Park Forest District to General Commercial District** requests be denied. On March 3, 2008 the City Council acknowledged the applicant's request to withdraw the **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and Rezoning from Park Forest District to General Commercial District** requests.

No. 08TI001 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Creation of Tax Increment District** on the SE1/4 NE1/4 and the W1/2 SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2 S1/2 W1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of

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Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4 less Lot A and less Lot 1 of Hubbard Subdivision, Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.

No. 08TI002 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Tax Increment District Project Plan** on the SE1/4NE1/4 and the W1/2SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2S1/2W1/2SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1

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through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4 less Lot A and less Lot 1 of Hubbard Subdivision, Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.

On February 21, 2008 the Planning Commission recommended that the **Creation of Tax Increment District and Tax Increment District Project Plan** be approved. On March 3, 2008 the City Council referred the **Creation of Tax Increment District and Tax Increment District Project Plan** back to the Tax Increment Finance Committee.

- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Anderson moved, Derby seconded and unanimously carried to adjourn the meeting at 8:53 a.m. (9 to 0 with Anderson, Brewer, Collins, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no)

ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Rapid City Growth Management Department so that appropriate auxiliary aids and services are available.