

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 24, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Jeff Hoffmann, Scott Nash, Ethan Schmidt, Jeff Stone and Stuart Wevik

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Renee Catron-Blair, Bill Knight, Joel Landeen, Curt Huus, Sig Zvejnieks, Dave Johnson, and Nadine Bauer

Chairperson Hoffmann called the meeting to order at 7:01 a.m.

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

Staff requested that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration. Nash requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Schmidt and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 8 in accordance with the staff recommendations with the exception of Items 1 and 7. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. No. 04PL070 - Canyon Lake Senior Citizens Center

A request by Renner & Associates for the Canyon Lake Senior Citizen Center to consider an application for a **Layout Plat** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Canyon Lake Drive.

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

1. **Prior to Layout Plat approval by the City Council, the applicant shall submit written permission from the Department of Interior to plat the property as proposed;**
2. **Prior to submittal of a Final Plat, the plat document shall be revised to show owner's certificates with the signatures of all the owners of record;**
3. **Upon submittal of a Preliminary Plat, topographic information shall be submitted for review and approval;**
4. **Upon submittal of a Preliminary Plat, a structural site plan shall be submitted for review and approval. In particular, the site plan shall show all existing structures as well as the bike bath currently located on the property;**

5. Upon submittal of a Preliminary Plat, a Utility Master Plan shall be submitted for review and approval. In particular, the location of all existing and proposed private and public water mains and service lines and the location of all existing and proposed public sewer mains and service lines shall be identified. In addition, the Utility Master Plan shall show all existing and proposed private utilities (i.e., electric, telephone, cable, etc.). The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the City well located on proposed Tract 1 within a utility easement or a well lot;
7. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a bike path easement for the existing bike path located on the property;
8. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
9. Upon submittal of a Preliminary Plat, construction plans for Canyon Lake Drive shall be submitted for review and approval. In particular, the construction plans shall show the construction of a sidewalk along the north side of Canyon Lake Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained;
10. Upon submittal of a Preliminary Plat, a subdivision estimate form shall be submitted for review and approval;
11. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat. In particular, a "Certificate of Finance Officer" identifying that all special assessments are fully paid on the subject property shall be added; and
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

3. No. 04PL071 - Palmer Subdivision

A request by Renner & Associates for Ray Palmer to consider an application for a **Preliminary Plat** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located along Palmer Road off of Nemo Road.

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

1. Prior to Preliminary Plat approval by the City Council, additional topographical information for the entire property shall be submitted for review;
2. Prior to Preliminary Plat approval by the City Council, a drainage report and plan shall be submitted for review and approval. In addition, the plat

- shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the City Council, the location and depth of wells and service lines, septic tanks and drainfields for each lot shall be submitted for review and approval to ensure separation from well locations as per South Dakota State Regulations. The location of the well heads on Lot 7 of Block 1, as shown on the Detailed Topographic Map Sheet 1, shall be verified. Utility easements shall be identified on the Final Plat;
  4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to eliminate the vacation of the Palmer Road right-of-way as it abuts the subject property;
  5. Prior to Preliminary Plat approval by the City Council, the road construction plans for Palmer Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 49 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition a revised paved design showing a 75 foot diameter cul-de-sac bulb at the end of the proposed Right of Way on Palmer Road shall be submitted for review and approval;
  6. A Special Exception to allow an approximate 2,900 foot long cul-de-sac without any intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet is hereby granted;
  7. Prior to Preliminary Plat approval by the City Council, a Cost Estimate for the subdivision improvements shall be submitted for review and approval;
  8. Prior to submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit";
  9. Prior to submittal of the Final Plat, the plat document shall be revised to provide title certificates for a Final Plat. In particular, the certificate "Resolution by Governing Board" and the second "Highway/Street Authority" certificate shall be deleted;
  10. Prior to submittal of the Final Plat, the plat document shall be revised to read "Utility and Minor Drainage Easements 8 foot on the interior sides of all lot lines";
  11. Prior to submittal of the Final Plat, the 40 foot wide access easement to Tract A shall be revised to identify a 49 foot wide access and utility easement. In particular, the access easement shall be constructed with a paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations;
  12. Prior to submittal of the Final Plat, the plat document shall be revised showing Lot 7 lot acreage to be a minimum 10 acre parcel as required for this zoning district or a variance from the Pennington County Zoning Board of Adjustment shall be obtained or the property shall be rezoned to a zoning district that allows a minimum 6 acre lot;
  13. Prior to submittal of the Final Plat, surety for any subdivision improvements that have not been completed shall be posted and the

**subdivision inspection fees shall be paid.**

4. No. 04PL076 - Eastridge Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on Tract 1 and Outlot A, Eastridge Subdivision, dedicated Enchantment Road, and Enchanted Pine Drive located in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Enchanted Pine Road and east of Enchantment Road.

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

1. **Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities;**
2. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;**
3. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, the drainage report shall be stamped by a Professional Engineer. In addition, the drainage report shall be revised to address the impact on detention cell 301 from the increased run-off due to the basin transfer. The grading for detention cell 303 shall also be coordinated with the Fifth Street construction project. In addition, the drainage report shall detail the channel intersection at the southeast corner of the property based on hydraulic jump. The drainage report shall also provide 100% storm water capture at the Fifth Street intersection or verification shall be submitted for review and approval demonstrating that the bypass has been accounted for in the Fifth Street Design. Maintenance access shall be provided along all channels as per the Drainage Criteria Manual. In addition, turf re-enforcement mat shall be provided as needed in channels based on velocities;**
5. **Prior to Preliminary Plat approval by the City Council, plan showing the extent of grading in detention cell 303 shall be submitted for review and approval;**
6. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit a written request asking the City to proceed with the dedication of right-of-way for the north 38 feet of Enchanted Pines Road right-of-way as it abuts the subject property either as a Preliminary and Final Plat or as an "H Lot". In addition, the Final Plat or "H Lot" shall be recorded at the Register of Deed's Office;**
7. **Prior to Preliminary Plat approval by the City Council, revisions to the water and sewer plans shall be submitted for review and approval. In**

particular, the construction plans shall be revised to show the water main elevation(s) and submitted for review and approval;

8. Prior to submittal of the Final Plat, the plat document shall be revised to provide additional drainage easements as needed. In addition, a miscellaneous document shall be recorded at the Register of Deed's Office dedicating a 25 foot wide drainage easement located on property directly east of the subject property as proposed;
  9. Prior to submittal of the Final Plat, the plat title shall be revised to read "Tract 1 and Outlot A of Eastridge Subdivision, dedicated Enchantment Road, and Enchanted Pines Drive located in the NW1/4NE1/4, Section 24, the East 1/2NW1/4, Section 24 and the NE1/4SE1/4NW1/4, Section 24, T1N, R7E, B.H.M.....";
  10. Prior to submittal of the Final Plat, the plat document shall be revised to show the east-west street as "Enchanted Pines Drive instead of "Enchanted Pines Road;
  11. All Uniform Fire Code shall be continually met; and,
  12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
5. No. 04SR023 - Section 28, T2N, R8E  
A request by Rick Himmelspach for Montana Dakota Utilities Company to consider an application for an **11-6-19 SDCL Review to allow a 16 foot wide utility easement** on the unplatted portion of S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow a 16 foot wide utility easement be approved with the following stipulation:**

1. **Prior to utility construction, the additional right-of-way shall be dedicated and the utility easement shall be recorded.**

6. No. 04SR033 - Section 4, T1N, R8E  
A request by Ron Blum for Montana Dakota Utilities Company to consider an application for an **11-6-19 SDCL Review to allow extension of a public utility** in the Elk Vale Road right-of-way from US I-90 to Concourse Drive, Twilight Drive right-of-way from Concourse Drive to SD Highway 44 East, and the unplatted balance of the SE1/4, less Lot H1, less Lot H3 and H4 of the W1/2 SE1/2, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Elk Vale Road and Twilight Drive from US I-90 to SD Highway 44 East.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow extension of a public utility be approved with the following stipulations:**

1. **Prior to the start of construction, a utility easement shall be recorded at the Register of Deed's Office for any construction outside of right-of-way or existing utility easement(s);**
2. **Prior to the start of construction, a Right-of-way Permit from the South Dakota Department of Transportation shall be obtained for the proposed**

3. pipe line construction within the Elk Vale Road right-of-way;  
Prior to the start of construction, a Pennington County Utility Permit shall be obtained for the proposed pipe line construction within Concourse Drive and/or Twilight Drive;
  4. Prior to the start of construction, the actual location and depth of the natural gas line(s) shall be coordinated with the City's Utility Plan so as not to interfere with existing and proposed water and sewer lines.
8. No. 04SR035 - Pine View Terrace Subdivision

A request by Renner & Associates for the Rapid City Area School District #51-4 to consider an application for an **11-6-19 SDCL Review to allow construction of a student drop off lane on public property** on Lot 2, Pine View Terrace Subdivision, located in the NW1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4503 Park Drive.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of a student drop off lane on public property be approved with the following stipulations:**

1. Prior to the initiation of grading or construction on the subject property, a Building Permit shall be obtained;
2. Prior to initiation of grading or construction within the public right-of-way, a Right-of-Way Construction Permit shall be obtained;
3. Prior to issuance of a Building Permit a revised site plan shall be submitted addressing the redlined comments by Staff;
4. On-site drainage and grading shall accommodate, or be consistent with, future sidewalk construction if no sidewalk is provided at the time of the student drop-off lane construction; and,
5. All applicable fire and life safety provisions of the Uniform Fire Code shall be continually met.

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

1. Approval of the June 10, 2004 Planning Commission Meeting Minutes.

Nash pointed out that the vote on Item 37 was incorrect.

Elkins advised that staff will correct the June 10, 2004 Planning Commission minutes to reflect that the vote was 6 to 0 to 1 with Brown, Fast Wolf, Hoffmann, Prairie Chicken, Stone and Wevik voting yes, none voting no and Nash abstaining.

**Nash moved, seconded by Stone and unanimously carried to approve the June 10, 2004 Planning Commission with the revision to the vote on Item 37. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

7. No. 04SR034 - Rapid City Greenway Tract  
A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow construction of a sand/salt storage building and associated**



**paving and lighting in a public place** on Tract 31, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Main Street North and Steele Avenue.

Elkins presented the request and reviewed the revised stipulations of approval.

**Wevik moved, seconded by Brown and unanimously carried to recommend that the 11-6-19 SDCL Review to allow construction of a sand/salt storage building and associated paving and lighting in a public place be approved with the following stipulations:**

1. **Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
2. **The proposed on-site hydrant shall conform with all applicable provisions of the Uniform Fire Code, and be in place prior to initiation of construction;**
3. **Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;**
4. **If any water or sewer service will be provided to the proposed structure, a revised site plan shall be submitted showing the location of the service lines;**
5. **The existing southern most driveway approach on Steele Street shall be eliminated;**
6. **Prior to Planning Commission approval, scaled elevation drawings of the proposed structure shall be submitted for review and approval;**
7. **The maximum height of the structure shall be 48 feet;**
8. **The proposed structure shall have a minimum setback from East Main Street of 25 feet;**
9. **Prior to Planning Commission approval, a site plan showing compliance with all applicable landscape regulations shall be submitted including any proposed changes in location of the landscaping;**
10. **Prior to issuance of a Building Permit, all required landscaping shall be installed. The landscaping shall be irrigated or a plan for providing water shall be submitted for review and approval prior to issuance of a Certificate of Occupancy. All landscaping shall be maintained in a live condition at all times;**
11. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040; and,**
12. **Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

**---HEARING ITEMS CONSENT CALENDAR---**

**Hoffmann announced that the Public Hearings on Items 9 through 12 were hereby opened.**

**Brown moved, seconded by Nash and unanimously carried to recommend approval of the Hearing Consent Agenda Items 9 through 12 in accordance with the staff recommendations. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

**The Public Hearings on Items 9 through 12 were hereby closed.**

9. No. 04CA019 - Tower Ridge 2 Subdivision

**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 9.7975 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Tablerock Road.**

**Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

10. No. 04SV031 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. 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 property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 8, 2004 Planning Commission meeting at the applicant's request.**

11. No. 04SV032 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. 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 property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 8, 2004 Planning Commission meeting at the applicant's request.**

12. No. 04SV034 - Palmer Subdivision

A request by Renner & Associates for Ray Palmer to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located along Palmer Road off of Nemo Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

1. **Upon submittal of a Preliminary Plat, revised road construction plans for Palmer Road shall be submitted for review and approval. The extension of Palmer Road shall be constructed to a minimum standard of the Pennington County Minor Local Road design. In particular, a 20 foot width road with 4 inches of gravel surfacing, 3:1 inslopes and backslopes shall be provided;**
2. **Upon submittal of a Preliminary Plat, a revised drawing showing the 75**

**foot diameter cul-de-sac turnaround bulb at the end of the proposed right-of-way shall be provided.**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Fisher requested that Items 13 thru 15 be considered concurrently.

13. No. 04AN005 - Tyler Knue Subdivision

A request by Bill Freytag to consider an application for a **Petition for Annexation** on property described by metes and bounds as beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course: S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel of land contains 0.440 acres more less, more generally described as being located at 900 Nicole Street.

14. No. 04PL075 - Tyler Knue Subdivision

A request by Bill Freytag to consider an application for a **Preliminary Plat** on Lot 1R, Block 4, Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 4, Tyler Knue Subdivision and a portion of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 Nicole Street.

15. No. 04SV036 - Tyler Knue Subdivision

A request by Bill Freytag to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R, Block 4, Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 4, Tyler Knue Subdivision and a portion of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 Nicole Street.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendations.

Bill Freytag, applicant, expressed his concerns with staff's recommendation to deny the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement. He explained that there is approximately 133 feet of Brooke Street that abuts the subject property that serves two properties. He further expressed his concerns with being required to put in approximately 133 feet of road and stop and then within 24 or 36 months go the end of this section and start a new road. He further explained that it creates a bad spot in a road. He asked the Planning Commission to approve the Variance to the Subdivision Regulations with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

In response to a question by Stone, Freytag estimated that there would be some moving costs and then it would cost \$150 to \$250 per linear foot to construct the road. He added that some of the work is already done. He stated that the sewer line is extended and the water line is stubbed in.

In response to a question by Schmidt, Freytag stated that he does plan to develop the land to the north of the subject property within 24 to 36 months.

Discussion followed concerning increases in density, the unplatted property to the north, additional road connections to be constructed in the future, the practicality of doing an assessment project on short distances and the applicant's request for a waiver of right to protest

**Wevik moved, seconded by Brown and unanimously carried to recommend that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire District; that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for the northern 131.86 feet of Brooke Street shall be submitted for review and approval. In particular, the construction plans shall show Brooke Street constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
- 3. Prior to submittal of a Final Plat, the plat document shall be revised to show the previously vacated section line highway located along the north lot line;**
- 4. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat;**
- 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,**  
**that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**
  - 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Fisher requested that Items 16 and 17 be considered concurrently.

16. No. 04PL072 - Section 22, T1N, R7E

A request by Donald Potts to consider an application for a **Layout Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section

- 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.
17. No. 04SV035 - Section 22, T1N, R7E  
A request by Donald Potts to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 6105 Covenant Drive.

Fisher stated that the applicant has requested that Items 16 and 17 be continued to the July 22, 2004 Planning Commission.

**Stone moved, seconded by Schmidt and unanimously carried to recommend that the Layout Plat and the Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 22, 2004 Planning Commission meeting at the applicant's request. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

18. No. 04SR018 - Section 34, T1N, R8E  
A request by Basin Electric Power Cooperative to consider an application for an **11-6-19 SDCL Review to allow expansion of a utility substation** in the NE1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Old Folsom Road and Lamb Road.

Wevik advised that he would be abstaining from voting on this item.

Fisher presented the request and reviewed staff's recommendation.

In response to a question by Schmidt, Fisher advised that Basin Electric Power Cooperative has done some testing in the area concerning the noise emitted from the substation. She stated that Basin Electric Power Cooperative has not indicated if the tests results were within Public Utilities Commission acceptable standards.

Gene Lebrun, Lynn, Jackson, Shultz and Lebrun representing Basin Electric Power Cooperative, stated that the applicant is in agreement with the stipulations of approval and has already signed the agreement between the City of Rapid City and Basin Electric Power Cooperative to move structures, utility lines, fencing and other utility encroachments located within a distance of 45 feet from the centerline of the section highway at their expense upon such time as the City requires the additional right-of-way to construct Lamb Road as a principal arterial street. Lebrun stated that the applicant recognizes that the area residents have concerns with audible noise emitted from the substation and added that Basin Electric is committed to working

with the neighbors to resolve the noise issues. He requested that the Planning Commission approve the 11-6-19 SDCL Review to allow expansion of a utility substation.

James R. Miller, Basin Electric Power Cooperative Project Manager, stated that Basin Electric has contracted with Burns & McDonald, a nationally known engineering firm. He explained that Burns & McDonald conducted on-site testing in April 2004 to take background measurements with the tie completely de-energized and again when the tie was running at full load. He added that Burns & McDonald did additional testing during the nighttime hours this week and found that the background noise was at the same level and magnitude as other audible noises in the area. He added that the neighbors have indicated the noise emitted from the tie has a variableness to it, which is a puzzle, and mystery to Basin Electric Power Cooperative. He added that the applicant is still analyzing the data obtained this week and will continue to work on resolving the noise issues presented by the neighbors.

Dewayne Miller, 7700 Old Folsom Road, stated that he lives approximately 1/2 mile to the north of the utility station in an earth berm home built into the hill. He explained that there are no windows on the north side or west side of the home. He added that the main windows face the south and east. He expressed his concerns with the noise emitted from the utility substation and added that it has been enough of a nuisance that he has moved the bedroom downstairs that is buried into the ground. Miller added that Basin Electric has been working with the neighbors to figure out the noise. He added that he is not opposed to development or the substation but expressed his concerns regarding loss of sleep, health issues and property values. Miller asked the Planning Commission to continue the 11-6-19 SDCL Review to allow expansion of a utility substation until all issues have been resolved.

Mike Gould stated that he owns a ranch and three residential rental properties directly to the east of the substation. He stated that every one of his tenants has expressed concerns with the noise emitted from the substation. Gould stated that the noise can actually be felt as it vibrates in your body. He stated that in his opinion the noise is a major issue and requested that the Planning Commission continue the 11-6-19 SDCL Review until the neighbors and Basin Electric have resolved the noise issue.

Discussion followed concerning other audible noises in the area and national standards.

Schmidt stated that he would like to see the reports prepared by Burns & McDonald. He also requested that Basin Electric Cooperative provide information concerning electromagnetic fields, national standards and what is allowed in other communities.

In response to a question by Stone, James R. Miller stated that this is the first noise complaint that he has experienced in 36 years concerning utility substations. He did add that this is a unique substation as it is a larger facility and in a more suburban area.

Stone stated that he would be interested in seeing some data concerning the testing

that Burns & McDonald has conducted.

Discussion followed concerning possible solutions.

In response to a question by Nash, Gould stated that he believes the audible noise is coming from the utility substation and not the lines.

Nash stated that he would like to continue this item to allow him to visit the site and obtain additional information concerning the noise.

**Nash moved and seconded by Schmidt to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the July 8, 2004 Planning Commission meeting.**

In response to a question by Brown, Jim Keck, Black Hills Power and Light, stated that Black Hills Power and Light has several utility substations within the city that are located 10 to 15 feet from residential homes. He added that he has not received complaints about noise from the transformers within town. Keck further explained that the utility substation located west of the intersection of Old Folsom Road and Lamb Road is a much bigger facility and more load flowing through it than what occurs in town.

Discussion followed concerning noise from the Merillat Plant, Dakota Craft and Forest Products.

LeBrun stated that the Public Utilities Commission has jurisdiction over the noise issue. He asked the Planning Commission to not hold up the approval of the 11-6-19 Review to allow expansion of a utility substation and let the Public Utilities Commission work on the noise issue.

Gould stated that this substation is unique and connects the east/west grids. He stated that he supports a continuance and keep it in a public forum until the noise issue is resolved.

Joel Landeen, Assistant City Attorney, stated that this is an application for an 11-6-19 SDCL Review and it is a review of the appropriateness of the use. He stated that this review would include all factors such as the use, location, noise and concerns from the neighbors.

Fisher stated that Lebrun asked that the 11-6-19 SDCL Review be continued to the July 22, 2004 Planning Commission meeting to allow the applicant to review the outstanding noise issues.

Kelly Faulk, area resident, stated that Black Hills Power and Light advised her that this substation is one of four in the nation and that this substation is the newest.

Schmidt stated that he is very concerned for the property owners in the area.

Stone concurred with Schmidt and requested that the applicant provide more data in terms of what is acceptable with the Public Utilities Commission and the results of



testing that they conducted.

**Stone made a substitute motion to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the July 22, 2004 Planning Commission meeting and seconded by Nash.**

Wevik stated that he is representing Black Hills Power and Light and planned to speak on this issue as an audience member. He further clarified that he has had no conversations with members of the Planning Commission or staff members relative to this item. He explained that this is a unique and important facility not only to Basin Electric and Black Hills Power and Light but also to the customers of Rapid City, Pennington County and more importantly the entire region. He advised that there are four to six of these installations in North America. He explained that careful site location issues were taken into account in trying to find an appropriate site for this facility. Wevik stated that this location is somewhat remote to minimize operational and visual impacts because it is a large facility. He added that both companies are very concerned about the issues that the Millers have presented. He stated that they are committed to better understanding the noise issue and to examine potential mitigation issues. He stated that in his opinion the noise issue is important but is not related to the present application and did not feel that it was necessary to hold up the 11-6-19 SDCL Review.

**The vote on the motion to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the July 22, 2004 Planning Commission meeting carried. (6 to 0 to 1 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Schmidt and Stone voting yes, none voting no and Wevik abstaining)**

Schmidt left the meeting at 8:20 a.m.

19. Discussion Items

A. Canyon Lake Neighborhood Issues - Karen Bulman

Elkins distributed a memo outlining several options that may address some of the conflicts between existing single-family residences and larger apartment complexes that have been identified in the Canyon Lake neighborhood area.

Discussion followed concerning the overlay zoning district and how it would apply to individual neighborhoods.

Nash stated that he appreciated staff's work on preparing the options for Planning Commission review. He added that he would like staff to explore the overlay zoning district option.

**Nash moved to direct staff to proceed with preparing a draft of an overlay zoning district for the July 22, 2004 Planning Commission meeting, seconded by Brown and unanimously carried. (5 to 0 to 1 with Brown, Fast Wolf, Nash, Prairie Chicken, Stone and Wevik voting yes and Hoffmann voting no)**

20. Staff Items

A. Expiration of Planning Commissioner Terms

Elkins thanked all of the Planning Commissioners for the time that they have dedicated to the community. She advised that several of the Planning Commissioners terms are up on July 1, 2004 and that this is their last Planning Commission meeting.

21. Planning Commission Items

A. Election of Officers

Discussion followed concerning when City Council would act to confirm appointments to the Planning Commission.

**Brown moved, seconded by Wevik and unanimously carried to continue the Elections of Officers to the July 8, 2004 Planning Commission meeting. (6 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)**

22. Committee Reports

A. City Council Report (June 7, 2004)

Discussion followed concerning the City Council's approval of the Ordinance Amendment to modify the notification requirements for a Planned Development Designation (PDD) by amending Section 17.50.060 of the Rapid City Municipal Code.

Brown stated that he attended the meeting and added that there was no discussion on the Ordinance Amendment. He added that he was uncomfortable with City Council's action and contacted Alderman Hadley and asked him to provide feedback on the City Council's decision. Brown stated that Hadley was unable to provide that feedback to him prior to this meeting.

**There being no further business Stone moved, seconded by Wevik and unanimously carried to adjourn the meeting at 8:35 a.m. (6 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken and Wevik voting yes and none voting no)**