



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 22, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Scott Nash, Mel Prairie Chicken, Martha Rodriguez, Debra Hadcock, Ethan Schmidt and Pete Anderson

STAFF PRESENT: Marcia Elkins, Todd Tucker, Vicki Fisher, Renee Catron-Blair, Bill Knight, Joel Landeen, Curt Huus, Sig Zvejnieks, Dave Johnson, Karen Olson and Deb Radomski

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

Nash 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.

Elkins requested that Items 4 and 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Ethan Schmidt requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Bob Borgmeyer requested that Item 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

Rodriguez moved, seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Items 4, 6, 12 and 15. (8 to 0 with Brown, Fast Wolf, Rodriguez, Nash, Prairie Chicken, Hadcock, Schmidt and Anderson voting yes and none voting no).

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 8, 2004 Planning Commission Meeting Minutes.
2. No. 04AN007 - Section 21, T2N, R8E
A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties to consider an application for a **Petition for Annexation** on the south 33 feet of the SW1/4 SE1/4 and the south 33 feet of the W1/2 SE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of I-90 and west of Elk Vale Road.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire District being paid.



3. 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 6105 Covenant Drive.

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

1. Upon submittal of a Preliminary Plat, a topographical drawing showing any proposed grading, and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, drainage calculations consistent with the Arrowhead Drainage Basin Plan shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat, the location and depth of wells and service lines, septic tanks and drainfields for each lot shall be submitted for review and approval;
5. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. 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;
6. Upon submittal of a Preliminary Plat, an access easement shall be provided to the subject properties and road construction plans for the continuation of Covenant Drive shall be submitted for review and approval. In particular, the extension of Covenant Drive shall be constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. The proposed cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;

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8. Upon submittal of a Preliminary Plat, a Master Plan for the future subdivision of the undeveloped lot, proposed Lot 2 shall be submitted for review and approval;
9. Prior to issuance of a Building Permit, supplemental tap fees shall be paid;
10. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
11. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road construction plans shall show Catron Boulevard constructed with a curb, gutter, sidewalks, street light conduit and sewer;
12. Upon submittal of a Preliminary Plat, all Uniform Fire Codes shall be continually met;
13. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
14. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
15. Upon submittal of a Final Plat, the property shall be rezoned to allow the minimum lot size requested or a zoning variance shall be obtained.

5. No. 04PL094 - Minnesota Ridge Heights Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Preliminary Plat** on Lots 1A, 2A, 3A, 4A, 16 thru 30 and Drainage Lot, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located .5 miles west of Alta Vista Drive and the extension of Middle Valley Drive.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;
2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval. In addition, a request for water oversize

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- costs shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, a private utility master plan shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the 20 foot Major Drainage and Access Easement as a 20 foot Major Drainage Easement or construction plans for the Access Easement shall be submitted for review and approval. In particular, the construction plans shall show the Access Easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Middle Valley Road" as "Middle Valley Drive";
6. Prior to submittal of a Final Plat application, the plat document shall be revised to clearly delineate all drainage easement(s); and,
7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

7. No. 04SR040 - Hannant Subdivision

A request by the City of Rapid City to consider an application for an **11-6-22 SDCL Review to allow the purchase of property and construction of street improvements** on Lots 21-23, less Lot H1; and, E1/2 vacated alley adjacent to said lots, Block 1, Hannant Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 109 44th Street.

Planning Commission approved the 11-6-22 SDCL Review to allow the purchase of property and construction of street improvements.

8. No. 04SR041 - Section 8, T1N, R7E

A request by the City of Rapid City to consider an application for an **11-6-22 SDCL Review to allow the reconstruction of the Chapel Lane Bridge** legally described as the Chapel Lane right-of-way originally identified as the Country Club Road right-of-way on the plat entitled "Country Club Road and Lot Q" located in the NE1/4 of SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Chapel Lane south of Jackson Boulevard.

Planning Commission approved the 11-6-22 SDCL Review to allow the reconstruction of the Chapel Lane Bridge with the following stipulation:

1. Prior to initiation of construction, a Flood Plain Development Permit shall be obtained.

9. No. 04SR042 - Grays Subdivision

A request by the City of Rapid City to consider an application for an **11-6-22**



SDCL Review to allow the purchase of property and construction or street improvements on Tract Q of Lot 2, Block 1, Grays Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4504 W. Chicago Street.

Planning Commission approved the 11-6-22 SDCL Review to allow the purchase of property and construction or street improvements.

10. No. 04SR043 - Section 36, T2N, R7E

A request by the City of Rapid City to consider an application for an **11-6-22 SDCL Review to allow the reconstruction of a portion of a public street** along Lemmon Avenue from Monroe Street to College Avenue.

Planning Commission approved the 11-6-22 SDCL Review to allow the reconstruction of a portion of a public street with the following stipulation:

1. **A fire hydrant shall be installed at the intersection of Lemmon Street and Van Buren Street to insure adequate fire protection for the area.**

11. No. 04SR044 - Section 32, T2N, R7E

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 the construction of a parking lot on public property** on the unplatted portion of the west 900 feet of the north 500 feet of the SW1/4 SE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4901 West Chicago Street.

Planning Commission approved the 11-6-19 SDCL Review to allow the construction of a parking lot on public property 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. **All applicable fire and life safety provisions of the Uniform Fire Code shall be continually met;**
4. **Prior to issuance of a Building Permit, details for the connection to the storm sewer system and drainage calculations including inlet capacity, storm sewer capacity and increased runoff shall be provided for review and approval; and,**
5. **The parking plan shall continually comply with all requirements of the Parking Ordinance.**



13. No. 04SR047 - Section 2, T1N, R7E
A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow construction of signs on public property** on the West Boulevard right-of-way between St. Joseph Street and Kansas City Street and the West Boulevard right-of-way between St. Andrew Street and St. Patrick Street, more generally described as being located along West Boulevard.

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

14. No. 04VR004 - Section 21, T2N, R8E
A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties to consider an application for a **Vacation of Section Line Highway** on the 66 foot section line highway less the east 33 feet of said 66 foot right-of-way, located between the SE1/4 of Section 21 and the NE1/4 of Section 28, all located in T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of I-90 and west of Elk Vale Road.

Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulations:

1. **Prior to City Council approval, written documentation from Black Hills FiberCom concurring with the Vacation of Section Line Highway request shall be submitted;**
2. **Prior to City Council approval, a 20 foot wide utility easement shall be recorded at the Register of Deed's Office; and,**
3. **Prior to City Council approval, the north half of the section line highway shall be annexed into the City limits of Rapid City or the north half of the section line highway shall be vacated by the Pennington County Board of Commissioners.**

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

4. No. 04PL093 - Commerce Park Subdivision
A request by Sperlich Consulting, Inc. for Robert Scull to consider an application for a **Preliminary Plat** on Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Rand Road and Commerce Road.

Elkins requested that Item #4 be continued until August 5, 2004 Planning Commission meeting to allow the applicant time to comply with the stipulations.

Planning Commission recommended that the Preliminary Plat be continued until the August 5, 2004 Planning Commission meeting.



6. No. 04SR038 - Rapid City Greenway Tracts

A request by Lund Associates, LTD., for EOS Properties, LLC to consider an application for an **11-6-19 SDCL Review to allow the construction of a parking lot on public property** on Tract 11, Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Dakota Drive.

Ethan Schmidt abstained.

Planning Commission approved the 11-6-19 SDCL Review to allow the construction of a parking lot on public property with the following stipulations:

- 1. The parking plan shall continually comply with all requirements of the Parking Ordinance; and,**
- 2. All provisions of the parking lot development agreement shall be continually met.**

12. No. 04SR046 - Fish Hatchery Subdivision

A request by Ferber Engineering Company, Inc. for the South Dakota Game Fish & Parks - Cleghorn Springs State Fish Hatchery to consider an application for an **11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery** on Lot F-2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4725 Rimrock Highway.

Elkins requested that Item #12 be moved to later on the Agenda to allow the applicant time to sign a time waiver.

Elkins reported that the waiver had been received and requested that Item #12 be continued until the August 26, 2004 Planning Commission meeting.

Planning Commission continued the 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery to the August 26, 2004 Planning Commission meeting.

---HEARING ITEMS CONSENT CALENDAR---

Nash announced that the Public Hearings on Items 16 thru 35 were hereby opened.

Bob Borgmeyer requested that Items 33, 34 and 35 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Rodriguez and unanimously carried to approve the Hearing Consent Agenda Items 16 thru 35 in accordance with the staff recommendations with the exception of Items 33, 34 and 35. (8 to 0 with Brown, Fast Wolf, Anderson, Nash, Prairie Chicken, Rodriguez, Schmidt and Hadcock voting yes and none voting no).



The Public Hearings on Items 16 thru 35 were hereby closed.

16. No. 04AN006 - Section 13, T2N, R7E

A request by Sperlich Consulting Inc. for Dean and Kimberly Henderson to consider an application for a **Petition for Annexation** on the N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Chalkstone Drive and Auburn Drive.

Planning Commission recommended that the Petition for Annexation be approved contingent on payment due to the North Haines Fire District being paid.

17. No. 04RZ034 - Section 13, T2N, R7E

A request by Sperlich Consulting Inc. for Dean and Kimberly Henderson to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Chalkstone Drive and Auburn Drive.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District approved.

18. No. 04AN009 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the August 5, 2004 Planning Commission meeting.

19. No. 04CA029 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and the SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the August 5, 2004 Planning Commission meeting to be heard in conjunction with the US Highway 16 Corridor Future Land Use Plan.



20. No. 04PL097 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Layout Plat be continued to the August 5, 2004 Planning Commission meeting to be heard in conjunction with the US Highway 16 Future Land Use Plan as well as the associated Rezoning request.

21. No. 04RZ037 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of South Highway 16 and south of Sammis Trail.

Planning Commission continued the Rezoning from No Use District to Low Density Residential District to the August 5, 2004 Planning Commission meeting.

22. No. 04SV042 - Hyland Park 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, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way be continued to the August 5, 2004 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

*23. No. 04PD036 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of 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 West Street and South Street.

Planning Commission continued the public hearing on the Planned Residential Development - Initial and Final Development Plan to the August 5, 2004 Planning Commission meeting.

24. No. 04PL092 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a **Preliminary Plat** on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of 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 West Street and South Street.

Planning Commission recommended that the Preliminary Plat be continued to the August 5, 2004 Planning Commission meeting to allow the applicant to submit additional information.

*25. No. 04PD037 - Red Rock Estates

A request by David Reyelts to consider an application for a **Major Amendment to a Planned Development Designation to reduce the side yard setbacks** on Lots 4 and 5 of Block 14, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 6528, 6532, 6536 and 6540 Muirfield Drive.

Planning Commission approved the Major Amendment to a Planned Development Designation to reduce the side yard setbacks with the following stipulations:

1. **A minimum eight foot side yard setback shall be maintained on Lot 4 of Block 14;**
2. **A minimum ten foot side yard setback shall be maintained on Lot 5 of Block 14;**
3. **The proposed townhomes shall conform architecturally to the proposed elevations and design plans submitted as part of this Major Amendment to a Planned Residential Development;**
4. **All stipulations of approval of Initial and Final Planned Residential Development #02PD045 shall be continually met; and,**
5. **The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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. 04PD038 - Original Town of Rapid City

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A request by Cornerstone Rescue Mission to consider an application for an **Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District** in E1/2 of Lot 27 and all of Lots 28-29, Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 404 Columbus Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District to the August 5, 2004 Planning Commission meeting at the property owner's request.

27. No. 04RZ035 - Auburn Hills Subdivision

A request by Joe Muth for Doeck LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 41 of Block 2 and Lot 1 of Block 3, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Coal Bank Drive at Auburn Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential II District be approved.

28. 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 approved with the following stipulations:

1. **Upon submittal of the Preliminary Plat, road construction plans shall be submitted identifying the construction of the north 200 feet of the north-south leg of Fairmont Boulevard with curb, gutter, sidewalk,**

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street light conduit, water, sewer and pavement;

2. **Upon submittal of the Final Plat application, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and,**
3. **Prior to submittal of the Final Plat submittal, the applicant shall sign a waiver of right to protest any future assessments for pavement and sidewalk improvements along the southern 300 feet of Fairmont Boulevard as it abuts the subject property.**

29. 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 approved with the following stipulations:

1. **Upon submittal of the Final Plat application, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and,**
2. **Prior to submittal of the Final Plat submittal, the applicant shall sign a waiver of right to protest any future assessments for pavement and sidewalk improvements along the southern 300 feet of Fairmont Boulevard as it abuts the subject property.**

30. No. 04SV035 - Section 22, T1N, R7E

A request by Donald Potts to consider an application for a **Variance to the**

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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 at 6105 Covenant Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway be denied and that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Covenant Drive be approved and to install curb, gutter, sidewalk, street light conduit, and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. Prior to City Council, Covenant Drive shall provide a minimum 49 foot right-of-way and a minimum cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way;**
- 2. Prior to City Council, Covenant Drive shall be constructed with a minimum 20 foot wide graveled surface; and,**
- 3. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along Catron Boulevard and Covenant Drive.**

***31. No. 04UR008 - Jackson View Addition**

A request by Chuck Rausch to consider an application for a Conditional Use Permit to allow monument sales and engraving in a General Commercial Zoning District on Lot 3B and all of Lot 4 and N1/2 of Lot 5 in Railroad Block Three of Jackson View Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1116 Jackson Boulevard.

Planning Commission continued the public hearing on the Conditional Use Permit to allow monument sales and engraving in a General Commercial Zoning District to the August 5, 2004 Planning Commission meeting to allow the applicant to provide additional information.

***32. No. 04UR010 - Park Addition Subdivision**

A request by TSP for Western Mailers to consider an application for a Conditional Use Permit to allow the construction of a distributing center in excess of 5,000 square feet in the General Commercial Zoning District on Lot B of Lot 27, all of Lots 28-32, Block 3, Park Addition Subdivision, all in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 224 E. St. Joseph Street.

Planning Commission tabled the Conditional Use Permit to allow the construction of a distributing center in excess of 5,000 square feet in the



General Commercial Zoning District.

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.

---END OF HEARING CONSENT CALENDAR---

Fisher requested that Items 33, 34, 35 and 36 be considered concurrently.

Bob Borgmeyer requested that Items 15 be included as part of the Red Rock Meadows Subdivision. He stated that outside counsel had submitted a letter in response to Item #36 and asked that Item #15 be reviewed along with Items 33, 34 and 35.

Fisher recommended that Item #15 be moved to the Non-Consent Agenda between Items #35 and #36 as part of the Red Rocks Meadow Subdivision review.

15. No. 04VR005 - Red Rock Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for a **Vacation of Section Line Highway** on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.
33. No. 04AN008 - Red Rock Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.
34. No. 04CA028 - Red Rock Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** on the W1/2 of the NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.
35. No. 04RZ036 - Red Rock Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the W1/2 of the NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.
36. No. 04SV041 - Red Rock Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow**

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platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.

Fisher presented slides and reviewed the proposals.

Bob Borgmeyer, a resident in the area, stated that he had submitted a letter to Elkins requesting that items 33 thru 36 be continued until the August 5, 2004 Planning Commission meeting.

Hani Shafai, of Dream Design International, Inc., requested to keep the project moving and that the Planning Commission approve the items with the stipulations stated.

Schmidt asked Mr. Shafai and Mr. Borgmeyer which items they would be willing to have decisioned or continued. He also asked Mr. Borgmeyer how long he had known of the project.

Mr. Shafai requested that decisions be made on all items and Mr. Borgmeyer asked that they all be continued. Borgmeyer stated that he had first known about the items when he saw them Friday night, July 16, 2004 on the Agenda. He did not see the details until Monday, July 19, 2004.

John Spangler, a resident of nearby Wildwood Development, requested clarification of the location of the proposed Section Line Highway Vacation.

Discussion followed on the Section Line Highway Vacation and the property access that might be affected.

Mr. Shafai asked that item #15 be withdrawn and that the Section Line Highway would be vacated as a part of a Preliminary and Final Plat.

Brown moved, seconded by Rodriguez and unanimously carried to recommend that the City Council acknowledge the applicant's withdrawal of the Vacation of Section Line Highway; that the Petition for Annexation, with the revised legal description of W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, be approved contingent on any payment due to the Whispering Pines Fire District being made; that the Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan be approved; that the Rezoning from No Use District to Low Density Residential District be approved for the revised legal description of W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota; and that the Special Exception to allow 210 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved.



---BEGINNING OF REGULAR AGENDA ITEMS---

37. Catron-Blair requested that Items #37 and #38 be considered concurrently.

No. 04PL091 - Cavern Crest Subdivision

A request by Daniel P. Wegner to consider an application for a **Layout Plat** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2680 Cavern Road.

38. No. 04SV040 - Cavern Crest Subdivision

A request by Daniel P. Wegner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2680 Cavern Road.

Catron-Blair reviewed the requests and asked that the request be denied to allow the applicant time to rezone the property through Pennington County.

Rodriguez moved, seconded by Brown and unanimously carried to recommend that the Layout Plat be denied without prejudice to allow the applicant time to rezone the property through the Pennington County Planning Department; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice to allow the applicant time to rezone the property through the Pennington County Planning Department.

39. 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** on 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.

Fisher stated that Black Hills Power had submitted noise reports for the Planning Commission to review.

Jim Keck, from Basin Electric, stated that the reports showed that they were in violation of noise levels and that they would like to continue the study for corrective action. He expected additional plans would be available within a couple of weeks.

Discussion followed on Basin Electric's time-frame for completing the additional

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study, the Planning Commission members visiting the site and when the resident complaints first began.

Ray Elliott, a nearby resident and property owner, stated that he was an Electrical Engineer and that he believes the problems lie with Electro Magnetic Waves. He also stated that no one had foreseen the problems that have arisen.

Discussion followed on the issues appropriate for consideration as part of the 11-6-19 SDCL Review and how much more time should be allowed for review.

Residents Dwayne and Jacki Miller said they believe the tests were made at times and on noises other than what they usually hear. They said that they had begun complaining in October 2003 and were tired of waiting on a resolution of the noise issue.

Michael Gould, a resident to the east, stated that he had incurred economic damages and asked that the site be shut-off until the applicant could fix it or at least until the Pennington County Commission meeting is held on October 3, 2004 to consider the request.

In response to a questions from Schmidt, Keck discussed the possibility of shutting down the site and if other ideas in addition to the acoustical barrier were being considered.

Russ Maither of Basin Electric requested that they be allowed to complete the addition of the breaker. In reply to a question from Brown, he stated that he did not know if the equipment was the same as at other sites, but that he believed there were differences.

Elkins clarified that there were two issues: the construction of the facility outside of the area stipulated under the original 11-6-19 SDCL Review and the construction of the breaker. She stated that the Pennington County Commissioners meeting was being held on August 3, 2004 and indicated that this item could be continued until the August 5, 2004 Planning Commission meeting, that a time extension could be filed for the request or that the Planning Commission could make a decision at this time.

There was additional discussion on the size of the unit and whether there were any temporary measures that could be taken until a permanent fix could be put in place.

Hadcock moved, seconded by Rodrigues and unanimously carried to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the August 5, 2004 Planning Commission meeting.

40. No. 04SR036 - Millard Addition

A request by Our Redeemer Lutheran Church to consider an application for an **11-6-19 SDCL Review to allow use of public right-of-way for parking** on Lots 24 thru 38 of Block 9, Millard Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Wood Avenue.



Rodriguez moved, seconded by Brown and unanimously carried to approve the 11-6-19 SDCL Review to allow use of public right-of-way for parking with the following stipulations:

1. **Prior to initiation of grading or construction within the public right-of-way, a Right-of-Way Construction Permit shall be obtained;**
2. **Prior to issuance of a Right-of-Way Construction Permit, plans stamped by a professional engineer shall be submitted for review and approval for street section, curb, gutter, and drainage design;**
3. **Prior to Planning Commission approval, a grading plan shall be submitted for review and approval to insure proper drainage is provided through the parking area;**
4. **Prior to issuance of a Right-of-Way Construction Permit, a revised site plan showing the power pole and mailbox relocated to an area outside of the parking area or located within an island to prevent interference with parking stalls;**
5. **If the power pole is relocated, the relocation shall be coordinated with all affected utilities;**
6. **The proposed parking stalls shall be angled at 45 degrees or less to accommodate parking stalls that meet the required dimensions of Section 17.50.270 of the Rapid City Municipal Code;**
7. **The proposed parking area shall not interfere with Fire Department access to the Fire Department Connection for the sprinkler system located on the building; and,**
8. **Prior to Planning Commission approval, the City Council shall review and approve the proposed construction of parking spaces in the public right-of-way.**

41. No. 04SR037 - Spring Ranchettes #2 Subdivision

A request by Paul Wozniak for Western Wireless Corp. to consider an application for an **11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole** on Lot 1 of Hidden Valley Ranchettes #2 Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14885 Morningview Drive.

Brown moved, seconded by Rodriguez and unanimously carried to continue the 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole to the August 5, 2004 Planning Commission meeting to allow the applicant time to submit the required additional information.

42. No. 04SR039 - Rapid City Greenway Tracts

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of an irrigation system, fencing, light poles and minor grading in a public place** on Tract 8 (also in Sections 4 and 10, T1N, R7E), Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3101 Canyon Lake Drive.

Elkins stated that the revised site plan had been submitted.



Rodriguez moved, seconded by Hadcock and unanimously carried to approve the 11-6-19 SDCL Review to allow the construction of an irrigation system, fencing, light poles and minor grading in a public place with the following stipulations:

1. Prior to the construction of the new light poles, an Electrical Permit shall be obtained;
2. Prior to any grading on the property, a Grading Permit shall be obtained;
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the location of the existing water main on the property to assure that the proposed construction does not conflict with the existing water main; and,
4. The proposed facilities shall be located a minimum of 15 feet from both sides of the existing water main.

*43. No. 04UR009 - Dow Tract

A request by Kelly Cotton for Kelly's Sports Lounge, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** on Tract 1 of Lot 3, Dow Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 825 Jackson Boulevard.

Brown moved, seconded by Rodriguez and unanimously carried to approve the **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** with the following stipulations:

1. All applicable provisions of the Uniform Fire Codes shall be continually met;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
3. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary;
4. Prior to Planning Commission approval, a sign package shall be submitted for review and approval, and all illegal signs shall be removed from the premises;
5. Prior to issuance of a Building Permit, that portion of the utility easement that will be encroached upon by the proposed construction shall be vacated; and,
6. The Conditional Use Permit 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.

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.



*44. No. 04UR012 - Schnasse Addition

A request by Tom Lehmann for Uncle Tom's Rib Shack to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District** on Lots 13 and 14, Block 7, Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 208 East North Street.

Rodriguez moved, seconded by Brown and unanimously carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District with the following stipulations:

1. **The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
2. **All applicable provisions of the Uniform Fire Codes shall be continually met;**
3. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
4. **The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary;**
5. **"Entrance Only" and "Exit Only" signs shall be installed for the existing driveways;**
6. **The outdoor meat smoker located on the property shall not create an excessive amount of smoke, to ensure that the surrounding residential uses are not adversely impacted by any smoke created by the use; and,**
7. **The Conditional Use Permit 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.**

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.

45. Capital Improvements Program - Jim Preston

Elkins requested that the Capital Improvements Program be continued to the August 5, 2004 Planning Commission meeting to allow the Planning Commission members time to review the report.

Rodriguez moved, seconded by Hadcock and unanimously carried to continue the Capital Improvements Program discussion to the August 5, 2004 Planning Commission.

46. Discussion Items

- A. Speaker Request Forms

Rodriguez requested that the forms be used as a means of identifying those



that wished to speak and as a measure of time that would be required.

Discussion followed on the pros and cons of using the form. Clarification was made that anyone present at the meeting would be allowed to speak, even if they had not completed a Speaker Request Form.

Rodriguez moved, seconded by Hadcock and upon majority vote carried to encourage the use of Speaker Request Forms at future Planning Commission meetings. (6 to 2 with Brown, Rodriguez, Schmidt, Anderson, Hadcock and Nash voting yes and Fast Wolf and Prairie Chicken voting no).

B. Overlay Zoning District

Elkins requested that the discussion of possible Overlay Zoning District Regulations be continued to the August 5, 2004 Planning Commission meeting.

Rodriguez moved, seconded by Brown and unanimously carried to continue the discussion of Overlay Zoning District Regulations to the August 5, 2004 Planning Commission meeting.

47. Staff Items

Elkins requested a motion for the staff to proceed with the **Public Hearing on South Highway 16 Land Use Plan** for the August 5, 2004 Planning Commission meeting. Elkins stated that there has been a lot of discussion about the Hyland Park Development and suggested that the Planning Commission visit the site prior to the next meeting. She stated that she believes that viewing the site may give them a better understanding of the issues. She also stated that parties from either side may try to contact the Planning Commission and asked that they disclose those contacts on the record.

Brown moved, seconded by Schmidt and unanimously carried to proceed with the Public Hearing on the South Highway 16 Land Use Plan for the August 5, 2004 Planning Commission meeting.

48. Planning Commission Items

Rodriguez asked if the Planning Commission members would be contacted when the Public Utilities Committee are visiting the Miller's property across from the intertie site.

Elkins stated that they would be contacted.

49. Committee Reports

A. City Council Report (July 6, 2004)

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

No. 03PL051 - Final Plat

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On May 22, 2004 the Planning Commission approved with stipulations a request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. On July 6, 2004, the City Council denied without prejudice the request.

There being no further business Rodriguez moved, seconded by Brown and unanimously carried to adjourn the meeting at 9:04 a.m. (8 to 0 with Fast Wolf, Hadcock, Rodriguez, Anderson, Nash, Brown, Prairie Chicken and Schmidt voting yes and none voting no).