

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 26, 2004

MEMBERS PRESENT: Peter Anderson, Gary Brown, Debra Hadcock, Scott Nash, Mel Prairie Chicken and Ethan Schmidt; Karen Olson, Council Liaison, was also present

STAFF PRESENT: Karen Bulman, Renee Catron Blair, Marcia Elkins, Vicki Fisher, Curt Huus, Dave Johnson, Bill Knight, Jason Green, Todd Tucker and Risë Ficken

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

Elkins requested that Items 5, 8, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 27 be considered prior to consideration of the Non-Hearing Consent Agenda.

Elkins requested that Items 5, 13, 14 15 and 16 be considered concurrently.

5. No. 04PL098 - ELGSS Subdivision

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Layout Plat** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract D of Medicine Ridge No. 2 and all of Lot 3 of Tower Ridge Subdivision and all of Tract F and Tract G located in the NE1/4 of SW1/4 and SE1/4 of NW1/4 of Section 23, and a portion of the Point Vista Court right-of-way, all located in the W1/2 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5440 Plains Vista Court.

13. No. 04CA031 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a parcel of land located in the West One-Half (W ½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE ¼ SW ¼) and Southeast One Quarter of the Northwest One Quarter (SE ¼ NW ¼) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23,

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T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with

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survey cap marked "LS 1019";thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565";thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

14. No. 04PD041 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Planned Residential Development - Initial Development Plan** on a parcel of land located in the West One-Half (W ½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on

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Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and Southeast One Quarter of the Northwest One Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence,

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South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres

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more or less, more generally described as being located at 5440 Plains Vista Court.

15. No. 04RZ038 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land located in the West One-Half (W ½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE ¼ SW ¼) and Southeast One Quarter of the Northwest One Quarter (SE ¼ NW ¼) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being

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coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North

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39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

16. No. 04SV044 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the West One-Half ($W\frac{1}{2}$) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ($NE\frac{1}{4} SW\frac{1}{4}$) and Southeast One Quarter of the Northwest One Quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously

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described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center

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line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

Elkins advised that the applicant has requested that Items 5, 13, 15 and 16 be continued to the September 9, 2004 Planning Commission meeting and staff recommends that Item 14 be continued to the September 23, 2004 Planning Commission meeting.

Prairie Chicken moved, Brown seconded and unanimously carried to continue the Layout Plat (04PL098) to the September 9, 2004 Planning Commission meeting at the applicant's request; to continue the Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development (04CA031) to the September 9, 2004 Planning Commission meeting at the applicant's request; to continue the Planned Residential Development - Initial Development Plan (04PD041) to the September 23, 2004 Planning Commission meeting to allow the applicant to review alternate access plans to the project; to continue the Rezoning from General Agriculture District to Medium Density Residential District (04RZ038) to the September 9, 2004 Planning Commission meeting at the applicant's request; and to continue the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer

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as per Chapter 16.16 of the Rapid City Municipal Code (04SV044) to the September 9, 2004 Planning Commission meeting at the applicant's request. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

The Rapid City Planning Commission's action on Item No. 04PD041 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.

Elkins requested that Items 22 through 27 be considered concurrently.

22. 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 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.
23. No. 04AN010 - Section 35, T1N, R7E
A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.
24. No. 04CA029 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for an **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 SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.
25. 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 east of South Highway 16 and south of Sammis Trail.
26. 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

east of South Highway 16 and south of Sammis Trail.

27. 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 SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Elkins advised that the applicant has requested that Items 22 through 27 be continued to the October 21, 2004 Planning Commission meeting to be considered concurrently with the pending Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan.

Brown moved, Prairie Chicken seconded and unanimously carried to continue the two Petitions for Annexation (04AN009 and 04AN010), the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan (04CA029), the Layout Plat (04PL097), the 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 per Chapter 16.16 of the Rapid City Municipal Code (04SV042), and the Rezoning from No Use District to Low Density Residential District (04RZ037) to the October 21, 2004 Planning Commission meeting at the applicant's request to be heard in conjunction with the Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

8. 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.

Elkins advised that the applicant has requested that the 11-6-19 SDCL Review to allow the expansion of a utility substation be continued to the October 7, 2004 Planning Commission meeting.

Prairie Chicken moved and Brown seconded to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the October 7, 2004 Planning Commission meeting at the applicant's request.

Anderson requested clarification concerning why the applicant is requesting that this item be continued.

Elkins responded that the applicant has requested the continuation to allow further research relating to construction of the proposed sound barrier on the site.

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The motion unanimously carried to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the October 7, 2004 Planning Commission meeting at the applicant's request. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

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.

Staff requested that Item 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 4, 6, 7, 9, 10 and 11 in accordance with the staff recommendations with the exception of Item 11. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Correction to the June 24, 2004 Planning Commission Meeting Minutes and approval of the August 5, 2004 Planning Commission Meeting Minutes.
2. No. 04CA010 – Comprehensive Plan Amendment
Summary of Adoption Action - Amendment to the Comprehensive Plan to Adopt the City of Rapid City Bikeway/Walkway Plan.

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

3. No. 04CA028 - Red Rock Meadows Subdivision
Summary of Adoption Action - Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan 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.

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

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

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the intersection of Rand Road and Commerce Road.

Planning Commission recommended that the Preliminary Plat be continued to the September 9, 2004 Planning Commission meeting to allow the applicant to submit additional information.

6. No. 04PL102 - Green Acres Addition

A request by Garry McKinnon to consider an application for a **Layout Plat** on Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot 2, north 6 feet of Lot 3 and vacated adjacent alley, Block 14, Green Acres Subdivision, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3317 West Rapid Street.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to add in the title, the section, township and range of the property and the formerly statement: "of Green Acres Addition";**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates;**
3. **Prior to Preliminary Plat approval by the City Council, a drawing showing topographical information, existing utilities and approaches for the entire property shall be submitted for review and approval;**
4. **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;**
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 and approval or a Variance to the Subdivision Regulations shall be obtained; and,**
6. **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.**

7. No. 04PL103 - Holy Cow Ranch Subdivision

A request by Ann R. Perry to consider an application for a **Layout Plat** on Lots 11A and 11B of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 11 of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23302 Radar Hill Road.

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

1. **Prior to Preliminary Plat approval by the City Council, a drawing**

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showing existing structures on the property shall be submitted for review;

2. Prior to Preliminary Plat approval by the City Council, additional topographical information for the entire property and a drainage 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;
4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines 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;
5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well is proposed, data to confirm that proposed on-site well(s) have sufficient flows shall be submitted and 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 show utility easement(s) as needed;
6. Upon submittal of a Preliminary Plat application, a drawing showing a hammerhead engine turnaround at the end of the proposed common access easement shall be provided;
7. 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" and that "on-site wastewater disposal systems shall be mound systems or evapotranspiration systems only";
8. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow the existing Radar Hill Road to be located off center line of the right-of-way as per the Street Design Criteria Manual and five foot additional right-of-way shall be dedicated for portions of the street as it abuts the subject property;
9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
10. 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.

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A request by Ferber Engineering Company, Inc. for 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.

Planning Commission continued the 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery to the September 9, 2004 Planning Commission meeting to allow time for the Special Exception to the Flood Area Construction Regulations to be considered and acted on by the City Council.

10. No. 04SR048 - Rapid City Greenway Tract

A request by Randy Leinen for Black Hills Power to consider an application for an **11-6-19 SDCL Review to allow the installation of concrete weir for excess water drainage on public property** on Tract 24A less Lot H1, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of 3rd Street and Omaha Street (Black Hills Power 4th Street Substation).

Planning Commission approved the 11-6-19 SDCL Review to allow the installation of concrete weir for excess water drainage on public property with the following stipulations:

1. **Prior to initiation of construction, a Building Permit shall be obtained;**
2. **Prior to any grading on the property, a Grading Permit shall be obtained;**
3. **Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the limits of the federally designated flood plain and the hydraulic floodway, based on actual spot elevations and the base flood elevations, to ensure that the proposed construction is not located within them; and,**
4. **If the proposed construction is located within the federally designated flood plain or the hydraulic floodway, a flood plain development permit shall be obtained.**

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

11. No. 04VE018 - Century Park Subdivision

A request by Sperlich Consulting for Bob Sperling to consider an application for a **Vacation of Non-Access Easement** on Lot 6B of Block 2 of Century Park Subdivision located in the E1/2 of the SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1540 Samco Road.

Elkins indicated that conditions of approval required to be met prior to this Planning Commission meeting have not been completed. Elkins stated that staff recommends that the Vacation of Non-Access Easement application be

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continued to the September 9, 2004 Planning Commission meeting to allow the applicant time to address the outstanding issues.

Brown moved, Prairie Chicken seconded and unanimously carried to continue the Vacation of Non-Access Easement to the September 9, 2004 Planning Commission meeting. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Nash announced that the Public Hearings on Items 12 and 17 through 21 were opened.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 12 and 17 through 21 in accordance with the staff recommendations. (6 to 0 with Anderson, Brown, Hadcock, Nash, Chicken and Schmidt voting yes and with none voting no)

The Public Hearings for Items 12 and 17 through 21 were closed.

12. No. 04CA030 - Waterslide Addition

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** from the SE1/4 NW1/4 and the SW1/4 of Section 25, T1N, R7E to a right-of-way 76.00 feet in width with the centerline described as follows: commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence N55°50'19"W along a non-visual line, 963.91 feet to the true point of beginning; thence S20°01'45"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet, included angle of 21°19'54", and a curve length of 195.83 feet; thence S01°18'09"W 1450.65 feet; said parcel containing 3.24 acres more or less all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

Planning Commission continued the Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan to the September 23, 2004, Planning Commission meeting to allow the applicant an opportunity to work with the adjacent property owner to the south to develop a continuous north/south collector route.

17. No. 04PD043 - Harter Tract

A request by Kent Kennedy for Bart and Helen Boos to consider an application for a **Planned Residential Development - Final Development Plan** on the east 5 feet of Lot 12; Lots 13 and 14; the east 5 feet and the west 20 feet of the south 29.66 feet less the south 0.9 feet of Lot 16; Lots 17-18 less the south 0.9 feet all of Lot I of the NW1/4 NE1/4 known as Harter Tract (Clower), all in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 655 Plum Tree Lane.

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Planning Commission continued the Planned Residential Development - Final Development Plan to the September 9, 2004 Planning Commission meeting to allow the applicant to comply with the stipulations of approval for the Planned Residential Development – Initial Development Plan.

18. No. 04SV045 - Section 27, T2N, R7E (Commerce Park Subdivision)

A request by Sperlich Consulting for Robert Scull to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** 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 SW1/4 SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Rand Road and Commerce Road.

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

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

19. No. 04SV046 - Holy Cow Ranch Subdivision

A request by Ann R. Perry to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11A and 11B of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 11 of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23302 Radar Hill Road.

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

1. **Upon submittal of a Preliminary Plat, road construction plans for the access easement shall be submitted for review and approval. The extension of the common access easement 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; and,**
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

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20. 2004-2008 Transportation Improvement Program Amendment

Planning Commission recommended approval of the 2004-2008 Rapid City Area Transportation Improvement Program Amendment #04-003.

21. 2005-2009 Transportation Improvement Program Final Report

Planning Commission recommended approval of the 2005-2009 Final Rapid City Area Transportation Improvement Program.

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

28. No. 04PD038 - Original Town of Rapid City

A request by Cornerstone Rescue Mission to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District** on the 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.

Fisher presented the request and reviewed the staff report noting staff's recommendation to continue the request to the September 23, 2004 Planning Commission meeting to allow the applicant to submit a site plan identifying the required number of off-street parking spaces.

Brown moved and Anderson seconded to continue the Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District to the September 23, 2004 Planning Commission meeting.

Gary Larson, area property owner, stated opposition to the proposed group home noting that he had offered to purchase the property from Women Against Violence. Larson described his past experiences with a number of development applications processed through Rapid City and Pennington County. Larson stated that subject property is located in a neighborhood with churches, a middle school, daycare facilities and residential homes. Larson expressed concern that the use of the property by the Cornerstone Rescue Mission will bring an element to the neighborhood that is less than desirable. Larson stated his opinion that the subject property would provide a temporary solution and he encouraged the Planning Commission to look at possible long-term solutions for housing the transient population. Larson expressed concern that the use of the subject property by the Cornerstone Rescue Mission as a group home would inhibit growth in the downtown area. Larson emphasized that he feels that residents from the Cornerstone Rescue Mission are markedly different from the Women Against Violence residents.

Peg Seljeskog, President of the Women Against Violence agency, advised that

the organization purchased the subject property in 1980. Seljeskog provided comparisons between the residents of the Woman Against Violence shelter and the women and children who are currently housed at the Cornerstone Rescue Mission. Seljeskog reviewed statistics associated with homeless women and children noting that many of the clients that Woman Against Violence serves have been or will eventually return to the Cornerstone Rescue Mission. Seljeskog emphasized that Woman Against Violence has a strong working relationship with the Cornerstone Rescue Mission noting that she does not believe the group home facility will become an issue of vagrancy. Seljeskog explained that the Women Against Violence facility is not designed for long-term transitional housing noting that the proposed group home facility would meet those needs. Seljeskog stated that the central location of the subject property is an important consideration as many of the people who would use the facility do not have automotive transportation.

In response to a question from Schmidt, Seljeskog explained circumstances where woman and children would transfer between residency at the Woman Against Violence Facility and the Cornerstone Rescue Mission. Schimdt asked if representatives from the Cornerstone Rescue Mission would be available at the September 23, 2004 Planning Commission meeting. Dan Island, Director of the Cornerstone Rescue Mission, stated that both he, and Ms. Seljeskog would be attending all hearings concerning the proposed facility.

In response to a question from Brown, Island advised that there are strict policies for control in place at the existing mission facility. Island indicated that there will be no men allowed on the property with the exception of male staff. Island added that staff will be on-site 24 hours daily.

In response to a question from Prairie Chicken, Island identified the four parking spaces that have been shown on the site plan at the rear of the property. Island stated that it is not possible to provide additional parking on the property. Island stated that because the residents do not drive he believes the five parking spaces shown on the site plan are adequate for the proposed use and requested that the Planning Commission grant a variance to the parking requirement. Island requested that vehicles be permitted to back from the four parking spaces into the alley.

Prairie Chicken requested clarification concerning the parking requirements identified for the subject property.

Fisher reviewed the parking regulations noting that the proposed use would require that ten parking spaces be provided. Fisher added that the parking ordinance does not permit vehicles to back into the alley right-of-way.

In response to a question from Prairie Chicken, Fisher stated that the Planning Commission has the ability to grant exceptions through the Planned Development.

Anderson requested clarification concerning how the Women Against Violence organization operated at this facility with one off-street parking space. Seljeskog

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stated that on-street parking was primarily used by the Women Against Violence staff and that their clients rarely drove to the shelter.

Schmidt noted that the Cornerstone Rescue Mission has a substantially larger client base than the Women Against Violence group. Hadcock spoke in support of the proposed group home facility.

Jim Castleberry, advised that he is a retired law enforcement officer and an assistant professor at the South Dakota School of Mines and Technology. Castleberry requested that that Planning Commission grant the applicant a variance to the parking requirement and for backing into the alley right-of-way. Castleberry noted that a neighboring business was granted a variance to back into the alley right-of-way. Castleberry stated that he does not feel the applicant should be required to pave the alley to Fourth Street. Castleberry stated that there are representatives from the Rapid City Police Department that can speak to the security and vagrancy issues. Castleberry emphasized that most people driving past the property will not realize the facility is there.

In response to a question from Prairie Chicken, Elkins clarified that the Planning Commission can grant design exceptions to the requirement for parking and backing into the alley right-of-way. She noted that the City Council could waive the requirement for paving the alley.

Prairie Chicken noted that that the parking spaces would not function unless vehicles are allowed to back into the alley. Prairie Chicken commented that Rapid City has social problems as well as other communities noting that the issue of homelessness in our community must be addressed.

Prairie Chicken made a substitute motion to approve the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District with the following stipulations:

- 1. A variance is hereby granted to allow five parking spaces in lieu of the required ten parking spaces with one of the spaces being "van" handicap accessible;**
- 2. Prior to issuance of a building permit, the alley shall be paved from the approach along the rear lot line of the property to 4th Street or a waiver to the paving requirement shall be obtained from the City Council;**
- 3. Prior to issuance of a building permit, the shrubs located along the front lot line shall be trimmed and/or removed from the ten-foot sight triangle. In addition, a minimum of 6,638 landscaping points shall continually be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A Building Permit and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. All Uniform Fire Codes shall be met;**
- 6. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the existing**

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residence shall be used as a group home for women and children with a maximum of eight bedrooms. Any expansion of the use or change in use shall require the review and approval of a Major Amendment to the Planned Residential Development; and,

- 7. The Planned Residential Development shall expire if the use is not undertaken 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. Hadcock seconded the motion.**

In response to a question from Schmidt, Island clarified that the existing mission will continue to operate at the current location. Island noted that the proposed facility will allow women and children to be moved to a separate location noting that they plan to convert the section of the mission currently occupied by women and children to a veteran's wing.

Schmidt requested clarification concerning whether people dropping off donations on the property would generate traffic problems. Island described the procedures currently in place for accepting donations at the mission. Castleberry noted that the mission population averages between 85 and 100 people per day noting that 18 women and children will be moving to the proposed facility.

In response to a question from Schmidt, Elkins stated that staff feels it would be an advantage to have the school nearby so that the children living at the facility could attend.

Anderson requested additional clarification concerning the clients to be staying at the proposed facility. Seljeskog reviewed the differences between the temporary shelter provided at the Women Against Violence facility and the proposed transitional housing at the subject property.

David Crabb advised that his company owns a fifteen unit apartment building at 1509 Quincy Street immediately north and across the alley from the subject property. Crabb stated that he believes additional security was provided when the Women Against Violence facility operated at the subject property noting that many of the residents had restraining or protection orders that limited violence and abuse. Crabb expressed concern that the mission use will attract a number of males that will frequently loiter around the facility. Crabb added that he does not feel that the use of taxpayer funds to rehabilitate an 82 year old facility with limited occupancy is appropriate. Crabb suggested that the Berquist School or the Ziggy's building at the fairgrounds be evaluated as potential alternate sites for the proposed use.

In response to a question from Anderson, Seljeskog clarified that not all residential clients at Women Against Violence have protection orders or restraining orders. Seljeskog added that the proposal for the facility does not allow male relatives or interested parties in or around the building. Seljeskog clarified that the funding for this project is from a federal Community Development Block Grant and monies raised by the Cornerstone Rescue Mission.

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Castleberry discussed the demographics of some of the residents to be living at the facility and reviewed security procedures for the property.

Anderson requested clarification concerning whether additional controls can be placed on the approval of the proposed use in the event problems or concerns at the facility. Elkins responded that the program plan could be specifically referenced in stipulation six.

In response to a question from Anderson, Elkins stated that if there were violations of the stipulations of approval the City would have the right to bring enforcement action to try to correct the problems or could revoke approval of the use.

Brown advised that he would vote against the motion on the floor as he is not comfortable with granting a variance on the basis of addressing a social issue. Brown stated that he believes all applicants should be treated similarly and he expressed concern that a precedent would be set. Brown indicated that he feels the applicant should work with staff to determine if a compromise can be made.

In response to a question from Schmidt, Elkins indicated that she did not believe the school was notified of the proposed use.

Tamara Pier advised that she is a member of the Women Against Violence board. Pier noted that the offer that Larson made for the property was extremely low noting that the Cornerstone Rescue Mission made a reasonable offer for the property. Pier noted that the off-street parking requirements for the property would make office commercial uses difficult. Pier stated that it is her opinion that the proposal from the applicant is an extremely reasonable use of the property.

Hadcock spoke in support of the motion on the floor noting that there were no parking problems at the facility when the Woman Against Violence facility was operating at the subject property. Hadcock noted that variances for parking requirements were granted to other businesses in the area.

Prairie Chicken clarified that parking variances have been granted for other businesses with other issues in this area noting that he is not suggesting the parking requirements be waived because this is a social issue.

In response to a question, Elkins reviewed the process that Hadcock followed to obtain a parking variance.

Anderson stated that he would like to place additional restrictions on the proposed use.

Anderson offered a friendly amendment to the motion on the floor adding the following language to stipulation six: "The use of the property shall continually comply with all provisions of the Program Plan submitted as a part of this application. Any change in the operations shall be submitted for approval as a Major Amendment."

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Island indicated agreement with the proposed change in conditions noting that they do not intend to use the facility for any other purpose.

The motion maker and the second concurred with the proposed amendment.

The motion carried to approve the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District with the following stipulations:

- 1. A variance is hereby granted to allow five parking spaces in lieu of the required ten parking spaces with one of the spaces being "van" handicap accessible;**
- 2. Prior to issuance of a building permit, the alley shall be paved from the approach along the rear lot line of the property to 4th Street or a waiver to the paving requirement shall be obtained from the City Council;**
- 3. Prior to issuance of a building permit, the shrubs located along the front lot line shall be trimmed and/or removed from the ten-foot sight triangle. In addition, a minimum of 6,638 landscaping points shall continually be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A Building Permit and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. All Uniform Fire Codes shall be met;**
- 6. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the existing residence shall be used as a group home for women and children with a maximum of eight bedrooms. The use of the property shall continually comply with all provisions of the Program Plan submitted as a part of this application. Any change in the operations shall be submitted for approval as a Major Amendment. Any expansion of the use or change in use shall require the review and approval of a Major Amendment to the Planned Residential Development; and,**
- 7. The Planned Residential Development shall expire if the use is not undertaken 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. (4 to 2 with Anderson, Prairie Chicken, Hadcock and Nash voting yes and with Brown and Schmidt voting no)**

The Rapid City Planning Commission's action on Item No. 04PD038 is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

Fisher requested that items 29 and 30 be considered concurrently.

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29. No. 04PL106 - Riverside Addition

A request by Renner & Associates for First Western Bank to consider an application for a **Preliminary Plat** on Tract A of Block 4, Riverside Addition located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh Street Right-of-Way located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Omaha Street and West Boulevard.

30. No. 04SV047 - Riverside Addition

A request by Renner & Associates for First Western Bank to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along Omaha Street and West Boulevard and to waive the requirement to install street light conduit and sewer along Rapid Street as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A of Block 4, Riverside Addition located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh Street Right-of-Way located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Omaha Street and West Boulevard.

Fisher noted staff's recommendation that the Preliminary Plat and the Variance to the Subdivision Regulations be approved with stipulations.

Schmidt moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat (04PL106) be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, the construction drawings shall be revised as necessary and submitted for review and approval to address City review comments. In particular, water and sanitary sewer improvement plans need to be revised to comply with City standards and to coordinate with other infrastructure development.**
- 3. Prior to Preliminary Plat approval by the City Council, construction drawings showing new sidewalk, where necessary, along Rapid Street, Eleventh Street, and West Boulevard shall be submitted for review and approval;**
- 4. Prior to submittal of a Final Plat application, an approach permit shall be obtained from the South Dakota Department of Transportation for the proposed approach along Omaha Street. In addition, the applicant shall provide signage identifying that construction of the approach functions as a right-in/right-out approach or surety shall be posted for**

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- the improvement upon submittal of a Final Plat application;
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;
 6. Upon submittal of a Final Plat application, the plat document shall be revised to show access restrictions on all lot lines except at approved approach locations;
 7. Upon submittal of a Final Plat application, the plat document shall be revised to eliminate the vacation of a portion of the right-of-way on Eleventh Street, or the adjacent property owner's signature on a vacation request shall be obtained; and,
 8. Upon submittal of a Final Plat application, the plat document shall be revised to include the correct prior legal description of the property being platted; and,

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along West Boulevard and street light conduit along Rapid Street and Omaha Street be denied and the Variance to the Subdivision Regulations to waive the requirement to install sewer along Rapid Street and Omaha Street as per Chapter 16.16 of the Rapid City Municipal Code (04SV047) be approved with the following stipulation:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

Fisher requested that Items 31 and 32 be considered concurrently.

31. No. 04PL107 - Village on the Green No. 2 Subdivision
A request by FMG, Inc. for Wyss Associates, Inc. to consider an application for a **Preliminary Plat** on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as extending from the current eastern terminus of Mulligan Mile.
32. No. 04SV048 - Village on the Green No. 2 Subdivision
A request by FMG, Inc. for Wyss Associates, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalks and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the

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Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as extending from the current eastern terminus of Mulligan Mile.

Fisher presented the requests and reviewed the slides associated with the applications. Fisher explained that the Layout Plat for the subject property was approved in November of 2003 noting that the applicant is now proposing to develop Phase 1 of the project. Fisher discussed how the proposed landscape islands would function as traffic calming devices and described the signage to be placed on the access. Fisher stated that staff recommends that the street light conduit be installed to minimize disturbance to existing landscaping in the event that street lights are required at some point in the future. Fisher advised that the applicant has proposed to provide an eight foot pedestrian walking path as an alternative to constructing sidewalks. Fisher reviewed staff's recommendation that sidewalk be installed on one side of the street as previously approved for earlier phases of the Hart Ranch Development.

Eric Heikes, Wyss Associates, stated that they had worked closely with the Growth Management Department on the Layout Plat for the subject property. Heikes clarified that the requested variance for curb and gutter is specifically for the connector road and the forty foot right-of-way that will be platted into a private road.

Gene Addink, Hart Ranch Development, commented that he was unaware of the requirement for the installation of street light conduit until recently. Addink advised that Hart Ranch has an informal dark skies management policy noting that they would prefer not to install street lighting. Addink described the proposed pedestrian trail noting that the residents in the Hart Ranch Development do not want sidewalks crossing their driveways.

In response to a question from Schmidt, Heikes explained that the requested curb and gutter variance for the connector road will help to diminish the appearance of the connector road as a street. Heikes stated that the connector road is designed to be used as emergency access. Heikes noted that the connector road will be constructed of colored concrete to provide an ornamental appearance. Heikes added that the approach is minimally elevated and they do not feel that curb and gutter will be necessary.

Addink spoke in support of the proposed pedestrian trail. Addink noted that the requirement to construct sidewalks was waived by Pennington County for the first 58 units of the development. Addink added that for the portion of the development approved through Rapid City, sidewalks were required to be constructed on one side of the street. In response to a question, Addink advised that Hart Ranch Development has posted bond for the installation of sidewalks on one side of the street in the areas developed through the Rapid City. Addink stated that the funds that were posted for bond for the sidewalk improvements would be utilized to construct the pedestrian trail in lieu of sidewalks on one side

of the street. Addink stated that if the pedestrian trail is approved he intends to request that the requirement to construct the sidewalks on one side of the street for earlier portions of the development approved through Rapid City be waived. In response to a question from Anderson, Addink indicated that they will either provide sidewalk on one side of the street as required, or will provide the pedestrian walking trail, but will not construct both.

Schmidt requested clarification concerning how residents of the development would access the pedestrian trail. Addink identified three access points proposed for the pedestrian trail noting that residents would have to walk in the street to get to those access points. Discussion followed concerning the slope of the trail and the guidelines used to design the proposed trail. Prairie Chicken asked what material the trail would be constructed with. Heikes stated that the trail would be constructed with graded asphalt and would be eight feet wide.

Discussion continued concerning safety issues associated with area residents accessing the pedestrian trail.

In response to a question from Hadcock, Addink emphasized that the residents of the development do not want sidewalks to be constructed.

Addink discussed the potential for the extension of the pedestrian trail and an additional access point to the trail to be located near the previously platted portions of the development. In response to a question, Addink stated that residents on the north side of the street would be able to access the pedestrian trail from their backyards.

Discussion followed concerning the view shed and design for the pedestrian trail, potential safety issues associated with sidewalks crossing driveways, the potential for golf carts to utilize the pedestrian trail, and the proximity of the Rapid City Christian School to the development.

Romona DesJarlais, 23705 Mulligan Mile, presented photographs of the front yard of her property. DesJarlais expressed concern that the construction of a sidewalk in front of her home would destroy the landscaping already in place. DesJarlais reviewed the demographics of the development and spoke in opposition to the construction of sidewalks within the development.

Schmidt requested clarification concerning the status of sidewalks within the previously developed portion of the Hart Ranch Development. Elkins responded that the current review refers only to the proposed new development noting that the sidewalks are required to be installed in the previously approved portion of the development reviewed by Rapid City.

Jim Menzel, Mulligan Mile resident, commented that Rapid City regulations require that sidewalks be constructed in all subdivisions noting that the Hart Ranch Subdivision is a rural development with very little traffic. Menzel stated that the City Council and the Planning Commission can decide what is best for this particular development and consider the needs of the citizens that live in the development. Menzel added that he feels sidewalks drive up maintenance costs

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and the expenses for neighborhood property owners. Menzel spoke against the installation of street lights noting that all homes have automatic lights in their front yards. Menzel stated that almost 100% of the residents in the development do not want sidewalks.

Schmidt requested clarification concerning how many residents Menzel was speaking on behalf of. The audience in attendance from the Hart Ranch development indicated their concurrence with Menzel's statements.

Discussion followed concerning resale value of property without sidewalks, the need for the installation of sidewalks in the areas of the development previously approved by Rapid City, and the need for additional subdivision variances to request that the sidewalk requirements be waived for those areas.

Prairie Chicken requested additional clarification concerning the resident's opposition to the construction of sidewalks.

Ken Schroeder, Mulligan Mile resident advised that the construction of sidewalks on his property would result in the removal of approximately 15% of his front lawn noting that the sidewalk would also encroach into an existing tree stand. Schroeder added that the streets currently are arranged in a manner which allows good water flow during heavy rain events. Schroeder commented that two children frequently visit his home and they have had no problems or concerns with sidewalk issues.

Prairie Chicken asked who would be responsible for the costs associated with the construction of sidewalks and replacement of landscaping when the sidewalks are constructed. Addink stated that Hart Ranch Development would be responsible for the costs associated with sidewalk construction and landscape replacement in the event that the requirement is not waived for previous phases of the Hart Ranch Development.

Discussion followed concerning exceptions to the requirement for constructing sidewalks at this time and the possible need for sidewalks in the development in the future.

In response to a question, Elkins clarified that staff is recommending that street light conduit be installed at this time noting that there is no requirement that the street lights be installed at present. Elkins added that if street lights are required at a future date the conduit will be in place, the landscaping will not have to be disturbed and the installation of street lighting would be a relatively inexpensive improvement.

Schmidt moved to approve the Subdivision Variance per staff's recommendation.

The Motion died due to the lack of a second.

Discussion continued concerning the resident's opposition to the construction of sidewalks.

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Terri Stamper, area resident, stated that her son recently purchased a lot next to her lot and does not want sidewalks constructed in the development.

Discussion followed concerning the history of the Hart Ranch residential development through Pennington County and previous phases of development approved by Rapid City.

Roger Meyer, Mulligan Mile resident, indicated his opposition to the construction of sidewalks on his property as it would ruin the existing landscaping on his and his neighbor's property. Meyer suggested that a sidewalk be constructed between the golf course and the existing homes.

Edna McDaniel, Mulligan Mile resident, requested that the requirement for the installation of sidewalks on Mulligan Mile be waived and requested clarification concerning why the sidewalks are required to be constructed. Elkins reviewed the City's policy on the installation of sidewalks in residential areas citing numerous complaints and issues identified as a result of the absence of sidewalks in other existing residential developments.

McDaniel spoke against the requirement for the construction of sidewalks in the previously developed Mulligan Mile area. Elkins clarified that the issue under discussion is the subdivision variance to the requirement for sidewalks in the proposed new development only.

Discussion followed concerning the process to apply for additional subdivision variances for the installation of sidewalks in the earlier phases of Hart Ranch Subdivision.

Hadcock moved and Anderson seconded to recommend that the Variance to the Subdivision Regulations to reduce the minimum required right-of-way for a subcollector street (no parking) from 47 feet to 40 feet for Mulligan Mile from it's current terminus east to Arena Drive (04SV048) be approved with the following stipulations:

- 1. A five foot access easement shall be provided along both sides of the Mulligan Mile private drive; and,**
- 2. A note prohibiting on-street parking is placed on the plat.**

That the Variance to the Subdivision Regulations to waive the requirement for sidewalks on both sides of Mulligan Mile be approved with the stipulation that an eight foot wide paved asphalt walking trail as identified on the site plan be constructed;

That the Variance to the Subdivision Regulations to waive the requirement for the installation of street light conduit along the entire length of Mulligan Mile be denied; and,

That the Variance to the Subdivision Regulations to allow a twenty foot paved surface and no curb and gutter for the connector/service drive connecting the two proposed cul-de-sacs be approved as an experimental

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subdivision with the following stipulations:

- 1. Information documenting that provisions have been made for ongoing snow removal and maintenance of the connector/service drive shall be submitted prior to Final Plat approval;**
- 2. No parking signs shall be installed on the connector/service drive; and,**
- 3. Adequate provisions for drainage shall be included in the design to protect the roadway surface of the connector/service drive.**

Discussion followed concerning the pedestrian trail and the property owner's responsibility for maintenance of the landscaping located in the sight triangles of the properties.

The motion unanimously carried with the stipulations as listed above. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

Hadcock moved, Anderson seconded and unanimously that the Preliminary Plat (04PL107) be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for Mulligan Mile as a sub-collector street with a minimum right-of-way width of 47 feet and a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, drainage calculations shall be submitted for review and approval. In particular, the drainage calculations shall demonstrate that the run-off is controlled to pre-developed conditions or on-site detention shall be provided. In addition, drainage easements shall be provided as needed;**
- 3. Prior to Preliminary Plat approval by the City Council, sediment and erosion control plans shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, information shall be submitted demonstrating that the existing lagoon can accommodate increased loading. A copy of the most recent Operation and Management inspection by the South Dakota Department of Environment and Natural Resources for the facility shall be submitted to determine the condition of the facility. In addition, utility easements shall also be provided as needed;**
- 5. Prior to Preliminary Plat approval by the City Council fire flow data shall be submitted for review and approval. In particular, fire flow data shall demonstrate that 1,500 gpm with 20 psi residual pressure is being provided;**
- 6. Prior to Preliminary Plat approval by the City Council, geotechnical information identifying the soil testing and design calculations for pavement design shall be submitted for review and approval;**
- 7. Prior to Preliminary Plat approval by the City Council, dimensions of elements at the cul-de-sacs with islands shall be submitted for**

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- review and approval. In particular, the information shall identify surface widths, island dimensions, surface finishes, etc. In addition, the applicant shall identify stands, design criteria, or design principles uses to configure these areas (such as AASHTO or Federal highway Administration standards);
8. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide on-street visitor parking or off-street visitor parking located within 300 feet of the residence shall be provided;
 9. 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;
 10. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
 11. A Special Exception to allow Mulligan Mile as a private access easement in lieu of right-of-way shall be granted contingent upon a road maintenance agreement for the street being submitted for review and approval;
 12. All Uniform Fire Codes shall be continually met;
 13. Prior to submittal of the Final Plat, a different road name for the east end of Mulligan Mile shall be submitted for review and approval. In addition, the plat document shall be revised to show the street name;
 14. Prior to submittal of the Final Plat, the plat document shall be revised to show Mulligan Mile as a private access easement and utility easement in lieu of a private drive and utility easement;
 15. 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. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

Fisher requested that Items 33 and 34 be considered concurrently.

33. No. 04PL108 - Feigels Subdivision
A request by TSP for Rob Poeppel to consider an application for a **Layout Plat** on Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 East Watertown.
34. No. 04SV049 - Feigels Subdivision
A request by TSP for Rob Poeppel to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington

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County, South Dakota, legally described as the balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 East Watertown.

Fisher noted staff's recommendation that the Preliminary Plat be approved with stipulations and the staff's recommendation that the Variance to the Subdivision Regulations be continued to the September 9, 2004 Planning Commission meeting.

Brown moved, Hadcock seconded and unanimously carried to recommend that the Layout Plat (04PL108) be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat, construction plans for E. Madison Street and N. Cherry Avenue shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the two streets shall be vacated;**
- 2. Upon submittal of a Preliminary Plat, water and sewer plans prepared by a Registered Professional Engineer showing the extension of a water and sewer main along E. Watertown Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat, topographic information showing existing contours shall be submitted for review and approval. In addition, the topographic information shall overlay with the proposed lot layout;**
- 4. 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 in conjunction with Knollwood Drainage Basin Plan;**
- 5. Upon submittal of a Preliminary Plat, a structural site plan shall be submitted for review and approval. In particular, the site plan shall show on-site parking and landscaping for the existing industrial structure. In addition, the site plan shall show the location of the existing service connections to the water and sewer mains as well as private utilities. The site plan shall also show the location of existing approaches along all streets and/or alley;**
- 6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a 20 foot wide utility easement along the alley as requested by Black Hills Power. In addition, all of the affected utility companies shall submit documentation concurring with the proposal to vacate the alley;**
- 7. Upon submittal of a Final Plat, a separate vacation petition for the alley vacation shall be submitted for review and approval or the plat shall to eliminate vacating the eastern 60 foot of the alley;**
- 8. Upon submittal of a Preliminary Plat application, a cost estimate of**

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the subdivision improvements shall be submitted for review and approval. In addition, a request for water system oversizing costs shall be submitted for review and approval;

9. Prior to submittal of a Final Plat, an alternate proposed legal description shall be submitted to the Register of Deed's Office for review and approval. In addition, the plat document shall be revised to show the approved legal description; and,
10. 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, to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code (04SV049) be continued to the September 9, 2004 Planning Commission meeting. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

35. No. 04SE001 - Fish Hatchery Subdivision

A request by Ferber Engineering Company, Inc. for South Dakota Game Fish & Parks - Cleghorn Springs State Fish Hatchery to consider an application for a **Special Exception to the Flood Area Construction Regulations** 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 advised that the Public Works Department prepared the staff report for the Special Exception to the Flood Area Construction Regulations noting their recommendation for approval with stipulations.

Hadcock moved, Prairie Chicken seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations be approved with the following stipulations:

1. The plan presented for review is of preliminary nature;
2. At the time of Building Permit a Floodplain Development Permit shall be obtained. Any changes to the preliminary plan shall be required to be identified and if any adverse impacts beyond those noted in the preliminary report shall also be identified; and,
3. Construction details shall be required at Building Permit.

(6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

36. Capital Improvement Program

Elkins briefly explained that the Capital Improvement Program prioritizes projects for expenditures using funds generated from a ½ cent sales tax noting that Jim Preston was available to answer specific questions that the Planning Commission may have.

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Discussion followed concerning budget issues for the Growth Management Department and the prioritization of the Tower Road improvements on the Streets and Drainage portion of the program.

In response to a question from Anderson, Preston reviewed how the subcommittee reviews various projects in an attempt to identify the high priority projects noting that streets and drainage issues are more complex as the need for utility upgrades and other considerations are factored in. Schmidt advised that he has served on the Capital Improvement Committee and noted that it is a process of consensus building with the staff and committee members. Schmidt expressed appreciation to Preston and the Capitol Improvement Committee members for all of their time and efforts to generate the program. Discussion followed concerning issues effecting the prioritization of the Capital Improvement Program in past years.

Anderson moved, Brown seconded and unanimously carried to approve the Capital Improvement Program. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)

37. Discussion Items

A. **Brown moved, Hadcock seconded and unanimously carried to continue discussion of the Overlay Zoning District to the September 23, 2004 Planning Commission meeting. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

38. Staff Items

None.

39. Planning Commission Items

Elkins requested that a member of the Planning Commission volunteer for consideration for appointment to the Future Land Use Committee. Elkins reviewed the history of the Future Land Use Committee noting that the Committee meets on the second and fourth Friday of every month at 8:00 a.m. Hadcock volunteered to be considered for appointment to the Future Land Use Committee.

Brown advised that he would not be able to attend the September 9, 2004 Planning Commission meeting.

Discussion followed concerning the status of scheduling neighborhood meetings for the U.S. Highway 16 Corridor Study Future Land Use Plan.

There being no further business, Anderson moved, Brown seconded and unanimously carried to adjourn the meeting at 9:54 a.m. (6 to 0 with Anderson, Brown, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)