

**Draft**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 21, 2004

MEMBERS PRESENT: Martha Rodriguez, Gary Brown, Mike LeMay, Peter Anderson, Ida Fast Wolf, 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, Joel Landeen, Todd Tucker and Patsy Horton, Pat Beaudette, Michelle Prichard, and Nadine Bauer.

**Chairperson Nash called the meeting to order at 7:08 a.m.**

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

**Schmidt requested that Item 5 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 4 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Brown moved, Rodriguez seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Items 4 and 5. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

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

1. Approval of the October 7, 2004 Planning Commission Meeting Minutes.
2. No. 04AN011 - Sections 4 and 5, T1N, R8E  
A request by the City of Rapid City to consider an application for a **Petition for Annexation** on the southeastern most 33 feet of section line right-of-way extending south approximately 895 feet, beginning at the northeastern corner of Tract C of the SE1/4 SE1/4 located south of the railroad right-of-way located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Pennington County, South Dakota; the southwestern most 33 feet of section line right-of-way extending approximately 840 feet south beginning at the northwestern most corner of Lot 1 of Lot D of SW1/4 SW1/4 located south of the railroad right-of-way in the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44 East and north of East St. Patrick Street.

**Planning Commission recommended that the Petition for Annexation be approved.**

3. No. 04AN012 - Sections 9 and 10, T1N, R8E

A request by the City of Rapid City to consider an application for a **Petition for Annexation** on all of the eastern most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southeast quarter of Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way and 12 foot vacated right-of-way adjacent to Lots 1 and 2 of Mullen Subdivision, Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southwest quarter of Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lot A-Revised, formerly Lot A of Plat No 1 in NW1/4SW1/4, lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,230 feet lying adjacent to and in NW1/4 NW1/4 of Section 15, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota, also known as Jolly Lane; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Lot A of the E1/2 SE1/4, also known as Martin Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Hwy 44 East, east of the Southeast Connector and north of Elks Country Estates.

**Planning Commission recommended that the Petition for Annexation be approved.**

6. No. 04PL139 - Green Acres Addition

A request by Garry McKinnon to consider an application for a **Preliminary Plat** on Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, located in SW1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 1, Lot 2, Lot 3 less Lots A & B and adjacent vacated alley in Block 14, Green Acres Addition, located in SW1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3117 W. Rapid Street.

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

1. **Prior to Preliminary Plat approval by the City Council, 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;**
2. **Prior to Preliminary Plat approval by the City Council, 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;**

3. **Prior to submittal of a Final Plat application, the plat document shall be revised to add the label, vacated alley, book and page and label south lot line strip, "formerly Lot 3 less Lots A & B"; and,**
  4. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates.**
7. No. 04PL142 - Trailwood Village Subdivision  
A request by Sperlich Consulting, Inc. for Ed and Linda Eisenbraun to consider an application for a **Preliminary Plat** on Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, and Lot B of Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Covington Drive and Avery Street.  
  
**Planning Commission recommended that the Preliminary Plat be approved with the following stipulations:**
  1. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for S. D. Highway 44. In particular, the road construction plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
  2. **Prior to Preliminary Plat approval by the City Council, a site plan showing all structural improvements, fences, including lot lines, dimensions, approach location, adjacent right-of-way widths and setbacks shall be submitted for review and approval;**
  3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
  4. **Prior to submittal of a Final Plat application, the plat document shall be revised to show an access restriction easement along S. D. Highway 44;**
  5. **Prior to submittal of a Final Plat application, sidewalks shall be completed along Avery Drive and Covington Street and a no outlet street sign shall be posted on Avery Drive along with crack sealing as needed on street or surety shall be posted for the improvements;**
  6. **Prior to submittal of a Final Plat application, drainage improvements shall be in place. In particular, temporary and permanent stabilization of surfaces to prevent sediment washing into streets and off the property;**
  7. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
  8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 8 foot wide utility and minor drainage easement, book 30 and page 66 (1 & 2), to be vacated this plat.**
8. No. 04PL143 - Trailwood Village Subdivision  
A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck to consider an

application for a **Preliminary Plat** on Lots 1A and 1B of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and Williams Street.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road. In particular, the road construction plans shall show curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
  2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the sanitary sewer easement on the property; and,**
  3. **Prior to submittal of a Final Plat application, the plat document shall be revised to spell Reservoir Road correctly.**
9. No. 04SR055 - Section 6, T1N, R8E  
A request by Michael Gebeke for the South Dakota School of Mines & Technology to consider an application for an **11-6-19 SDCL Review to allow installation of banners on twelve light poles along East St. Joseph Street** in the right-of-way along East St. Joseph Street between Birch Avenue and East St. Charles Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow installation of banners on twelve light poles along East St. Joseph Street be approved with the following stipulations:**

1. **The proposed mounting brackets shall be installed as per the manufacturers specifications;**
  2. **The proposed banners shall be no larger than 30 inches wide by 60 inches in height; and,**
  3. **Prior to Planning Commission approval, the applicant must provide documentation that the installation and maintenance of the banner brackets and banners will be the responsibility of the South Dakota School of Mines and Technology.**
10. No. 02VR004 - SSJE Subdivision  
A request by Willard Werth for Black Hills Auto to consider an application for a **Vacation of Right-of-Way** in the SW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public

right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°21'15" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" East, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.057 acre of land, more or less, more generally described as being located at 1221 Jess Street.

**Planning Commission recommended that the Vacation of Right-of-Way be approved.**

11. No. 04VR007 - Forest Park Estates

A request by M. James and Kristine J. Brekhus to consider an application for a **Vacation of Public Right-of-Way** on Lot 9, Forest Park Estates, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4295 Rosemary Lane.

**Planning Commission recommended that the Vacation of Public Right-of-way be approved based on the revised Exhibit A.**

12. No. 04TP019

2005 - 2009 Transportation Improvement Program Amendment

**Planning Commission recommended approval of the 2005-2009 Transportation Improvement Program Amendment #05-001.**

13. No. 04TP020

2004 - 2008 Transit Development Plan

**Planning Commission recommended approval of the final draft of the 200-42008 Rapid City Transit Development be approved with the recommendation that before the City of Rapid City would implement changes to any of the routes, that the City hold public meetings to obtain additional input prior to the city Council authorizing any changes to the routes.**

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

4. No. 04PL137 - Schamber Subdivision

A request by Russell and Dalaina Salamun to consider an application for a **Layout Plat** on Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 and 2020 Elmhurst Drive.

Al Lloyd, 1936 Elmhurst Drive, expressed concerns with additional apartments

being constructed in the area, access, the road construction plans for 38<sup>th</sup> Street and the applicant's request for a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement.

Elkins stated that the use of the property is an issue relative to the zoning of the property. She clarified that this item is currently going through the Layout Plat process, which addresses whether or not the public improvements are in place. She explained that staff cannot address what the use of the property will be as it could be for any use allowed in that zoning district that met the minimum lot size requirements. She further explained that staff is recommending that the Layout Plat be approved with stipulations; that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement along 38<sup>th</sup> Street be denied, and that the Variance to the Subdivision Regulations to waive the requirements to install sidewalk and pavement along Elmhurst Drive be approved with stipulations.

**Prairie Chicken moved, seconded by Hadcock and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

- 1. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for 38<sup>th</sup> Street. In particular, the road construction plans from Cottonwood Street to the north property line shall show the street constructed with a minimum 47 foot right-of-way and a 22 foot paved surface with curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for Elmhurst Drive. In particular, the road construction plans shall show the street constructed with a minimum 47 foot right-of-way and a 22 foot paved surface and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of the Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 4. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 5. Upon submittal of the Preliminary Plat application, additional right-of-way shall be dedicated for Elmhurst Drive and 38<sup>th</sup> Street;**
- 6. Prior to submittal of the Final Plat application, a Subdivision Variance shall be obtained to allow lots twice as wide as they are long;**
- 7. Prior to submittal of the Final Plat, the applicant shall obtain a Variance to the zoning lot width for a single family dwelling at the front building line from 50 feet to 44 feet;**
- 8. Prior to submittal of the Final Plat, the applicant shall obtain a Variance to reduce the front yard setback on Elmhurst Drive from 26 feet to 11.5 feet;**

9. Prior to submittal of the Final Plat, the applicant shall obtain a Variance to reduce the side yard setback on the intermediate property line to allow the existing garage from eight feet to 0.5 feet;
  10. Prior to 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; and,
  11. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)
5. No. 04PL138 - Vista Hills No. 2 Subdivision  
A request by Fisk Land Surveying & Consulting Engineers for Gerald Davis to consider an application for a **Preliminary Plat** on Lot A of Lot 1 and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4740 Skyview Drive.

In response to a question by Schmidt, Fisher advised that the applicant would provide the grading plan and drainage plan for review and approval prior to the City Council meeting.

Rodriguez moved, seconded by Schmidt and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide additional drainage easement(s) as needed;
3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the water service location(s), including street restoration plans;
4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing that the sanitary sewer service invert is a minimum of one foot above the top of the sanitary sewer main. In addition, the construction plans shall provide inverts along the sewer profile;
5. 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 red lined drawings shall be returned to the Engineering Division;
6. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Corral Drive and

the northern 50 feet of Skyview Drive as per the Street Design Criteria Manual;

8. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Vista Hills No. 2" in lieu of "Vista Hills No. 2 Subdivision" as currently shown in both the proposed and formerly legal descriptions; and,
9. 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. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)

Nash announced that the Public Hearings on Items 14 through 22 were opened.

Staff requested that Item 16 be removed from the Hearing Items Consent Calendar for separate consideration.

Prairie Chicken requested that Item 18 be removed from the Hearing Items Consent Calendar for separate consideration.

A member of the audience requested that Item 19 be removed from the Hearing Items Consent Calendar for separate consideration.

Brown moved, Rodriguez seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 22 in accordance with the staff recommendations with the exception of Items 16, 18, and 19. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)

The Public Hearings for Items 14 through 22 were closed.

#### ---HEARING ITEMS CONSENT CALENDAR---

14. 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 ¼ 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 recommended that the Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan**



**be continued to the November 4, 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.**

15. No. 04OA007 – Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** amending all references to the Uniform Building Code of the Rapid City Municipal Code in Chapter 17.

**Planning Commission recommended that the Ordinance Amendment to change the pertinent sections of Title 17 Zoning Ordinance of the Rapid City Municipal Code to reference current building codes adopted by the City of Rapid City be approved.**

\*17. No. 04PD056 - Minnesota Ridge Heights

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on property described by metes and bounds as commencing from the Northwest corner of Lot 12 of Minnesota Ridge Subdivision and Point of Beginning consisting of a 5/8" rebar with a yellow plastic cap marked "Davis 3095", thence N59°53'52"W 225.86', thence S89°12'05"W - 400.00', thence S69°46'16"W, 106.04', thence N00°47'55"W - 206.82', thence N16°26'30"E - 53.78', thence N00°47'55"W - 390.31' to the southern boundary of Robbinsdale Addition #10, thence S89°35'44"E - 528.41', thence S00°24'07"W - 165.74' to the southwest corner of Lot 19 Revised in Block 16 of Robb. Addn. #10, thence S89°37'20"E - 164.86', thence N00°25'53"E - 0.78', thence S89°37'12"E - 98.92', thence S00°34'02"W - 120.00' to the southwest corner of Lot 9A Block 16 Robbinsdale Addn. #10, thence S89°25'58"E - 194.69', thence S19°34'38"E - 89.44' thence S54°35'29"E - 126.01', thence S28°53'33"W - 133.22' to the southwest corner of Lot 11 of Minnesota Ridge Subdivision, thence S12°52'12"W - 52.03' to the southwest corner of the intersection of Middle Valley Drive and Recluse Court, thence S35°30'57"W - 66.43', thence southwesterly thru a right-hand curve with a radius of 55.00' and a length of 41.61', then southwesterly thru a left-hand reverse curve with a radius of 55.00' and a length of 47.06' to the Northeast corner of Lot 12 of Minnesota Ridge Subdivision, thence S89°59'49"W - 243.45' to the Point of Beginning, more generally described as being located 0.5 miles west along Middle Valley Drive and Alta Vista Drive.

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

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. All other provisions of the Low Density Residential District shall be met unless exceptions have been specifically authorized;**
3. **All Uniform Fire Codes must be continually met;**
4. **The proposed single family residences shall conform architecturally to the plans and elevations submitted as part of this Planned**

**Residential Development;**

5. **The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.**

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

20. No. 04SV057 - Green Acres Addition

A request by Garry McKinnon to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot 2, Lot 3 less Lots A and B, and adjacent vacated alley in Block 14, Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3117 W. Rapid Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install water on Vale Street and sewer on Vale Street, West Rapid Street and 32<sup>nd</sup> Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

1. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of water on Vale Street and sewer on Vale Street, West Rapid Street and 32<sup>nd</sup> Street.**

21. No. 04SV058 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Ed and Linda Eisenbraun to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, and Lot B of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, B.H.M., Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning; thence, first course: S00°11'02"W, along the westerly edge of the previously dedicated right-of-way of said Covington Street, a distance of 83.43

feet, to a point of curve; thence, second course: southerly, along the westerly edge of the previously dedicated right-of-way of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 27°14'44", an arc length of 247.27 feet, a chord bearing of S13°48'24"W, and a chord distance of 244.95 feet, to the southeasterly corner of said Lot B, common to the corner of the previously dedicated right-of-way of Avery Drive; thence, third course: northwesterly, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, curving to the left on a curve with a radius of 2043.52 feet, a delta angle of 09°03'34", an arc length of 323.12 feet, a chord bearing of N60°34'20"W, and a chord distance of 322.78 feet; thence, fourth course: N24°53'53"E, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence, fifth course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 25.00 feet; thence, sixth course: S24°53'53"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence, seventh course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 10.00 feet, to a corner of said Lot B; thence, eighth course: N65°06'07"W, along the southerly edge of said Lot B, a distance of 72.70 feet, to the southwesterly corner of said Lot B of Trailwood Village; thence, ninth course: S68°57'27"W, a distance of 209.64 feet, to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, tenth course: N51°11'35"W, along the northerly edge of the right-of-way of SD State Highway 44, a distance of 103.00 feet, to the southwesterly corner of said Tract T of Trailwood Village; thence, eleventh course: N00°12'10"E, along the westerly boundary of said Tract T of Trailwood Village, common to the easterly boundary of a portion of the SW1/4 of the SW1/4 of said Section 10, a distance of 130.38 feet, to the southwesterly corner of said Lot A of Trailwood Village; thence, twelfth course: S89°48'58"E, along the southerly boundary of said Lot A of Trailwood Village, a distance of 275.84 feet, to the northwesterly corner of said Lot B of Trailwood Village, common to a point on the southerly boundary of said Lot A of Trailwood Village; thence, thirteenth course: S89°48'58"E, along the northerly boundary of said Lot B of Trailwood Village, common to the southerly boundary of said Lot A of Trailwood Village, a distance of 437.17 feet, to the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning, more generally described as being located at the intersection of Covington Drive and Avery Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk along S. D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

1. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along S. D. Highway 44.**
22. No. 04SV059 - Trailwood Village Subdivision  
A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck to consider an

application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A and 1B of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and Williams Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

1. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit along Reservoir Road.**

**---END OF HEARING CONSENT CALENDAR---**

**\*16. No. 04PD050 - Fairway Hills PRD**

A request by Westside Baptist Church to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 3B less Lot H1, Fairway Hills PRD, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4024 Sheridan Lake Road.

Elkins advised that staff is recommending that the Public Hearing on the Major Amendment to a Planned Residential Development be continued to the November 4, 2004 Planning Commission meeting to allow the applicant time to comply with all of the stipulations of approval.

**Rodriguez moved, seconded by Brown and unanimously carried to continue the Public Hearing on the Major Amendment to a Planned Residential Development to the November 4, 2004 Planning Commission meeting. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

**\*18. No. 04PD058 - Walpole Heights Subdivision**

A request by Greg Wierenga, P.E., CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A Revised (less Lot H8), Tract C Revised and Tract D, Walpole Heights Subdivision, Lot AB and a parcel of land described by metes and bounds as beginning at the northeast corner of Tract C Revised, Walpole Heights Subdivision, located in the NE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 29, Page 131 at the office of the Pennington County Register of Deeds; thence N89°46'53"E a distance of 55.00 feet along an

easterly extension of the south right-of-way line of Fairmont Boulevard; thence S00°14'07"E a distance of 335.43 feet; thence S89°46'53"W a distance of 79.48 feet; thence N16°55'29"E a distance of 83.90 feet; thence N00°14'07"W a distance of 132.53 feet; thence N00°25'26"W a distance of 96.65 feet; thence N00°25'23"W a distance of 26.09 feet to the point of beginning; the described parcel containing 0.445 acres, more or less and being a portion of Lot H-6 of the E1/2 SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota; said Lot H-6 being highway right-of-way; all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mt. Rushmore Road.

In response to a question by Prairie Chicken, Tucker presented the request and reviewed the slides of the subject property and staff's recommendation.

Discussion followed concerning access, right-of-way acquired by the South Dakota Department of Transportation and parking requirements

In response to a question by Schmidt, Tucker advised that staff has reviewed and approved the revised site plan and landscaping plan.

Nash pointed out that the Staff Report and Stipulation #10 refer to a Planned Residential Development in several places. Tucker advised that he would correct the Staff Report and Stipulation #10 to refer to a Planned Commercial Development rather than Planned Residential Development.

Dave Westergaard, Project Manager for JR Investments, stated that the applicant concurs with the stipulations of approval except for stipulation #13. He added that the applicant is requesting that the Planning Commission eliminate Stipulation #13 and approve the Major Amendment to a Planned Commercial Development per staff's recommendation. Westergaard stated that the applicant would like time to enter into a written agreement with the City of Rapid City regarding their participation in the costs of the intersection improvements.

Elkins explained that Stipulation #13 is written so that the Planning Commission could act today on the application and not delay the applicant's construction plans. Elkins added that this would allow the applicant to proceed with footings and foundation and still have time to enter into a written agreement prior to issuance of a Building Permit.

Discussion followed concerning turning movements, additional right-of-way and the realignment and reconstruction of the intersection of Fairmont Boulevard and South Highway 16.

Larry Riddle, Project Manager for JR Investments, stated that the applicant and City of Rapid City have a verbal agreement concerning their participation in the costs of the intersection. He added that no formal discussions have taken place between the applicant and the City of Rapid City since last February. Riddle expressed concerns with construction delays and requested that the Planning Commission approve the Major Amendment to a Planned Commercial Development per staff's recommendation with the exception of Stipulation #13.

Lengthy discussion followed concerning the applicant's cost sharing estimate.

Riddle stated that he would like time to review the letter from Douglas Adelman, P.E., Project Manager, Traffic regarding the applicant's cost sharing estimate for the Fairmont Blvd/Hwy 16 Intersection Improvement Project ST03-1251.

**Schmidt moved, seconded by Brown and unanimously carried to continue the Public Hearing on Item #18 - Major Amendment to a Planned Commercial Development at the end of the agenda to allow the applicant and the City Attorney time to review the letter regarding the cost sharing estimate. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

19. No. 04SV056 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 6 thru 8 of Block 18, and Lots 12 and 13 of Block 19, Trailwood Village, located in the E1/2 of SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, located in the E1/2 of the SE1/4, Section 10, T1N, R8E, B.H.M., Pennington County, South Dakota; more fully described as follows: Commencing at the southeasterly corner of Lot A of Block 13 of Trailwood Village, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning; thence, first course: S89 55'36"E, along the southerly boundary of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, a distance of 17.58 feet, to the southeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, common to a point on the easterly boundary of Tract T of Trailwood Village; thence, second course: S00 05'47"W, along the westerly edge of the right-of-way of said Reservoir Road, common with the easterly boundary of said Tract T, a distance of 312.20 feet, to the northeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to Block 18 of Trailwood Village, common to a point on the easterly boundary of said Tract T; thence, third course: N89 55'36"W, along the northerly edge of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18, a distance of 17.45 feet to the northeasterly corner of Lot 5 of Block 18 of Trailwood Village, common to the northwesterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18; thence, fourth course: N75 20'08"W, along the northerly boundary of said Lot 5 of Block 18, a distance of 187.05 feet, to the northwesterly corner of said Lot 5 of Block 18, common to the northeasterly corner of the previously dedicated right-of-way of the Savannah Street in Block 18 of Trailwood Village; thence, fifth course: N73 37'43"W, along the northerly edge of the previously dedicate right-of-way of said Savannah Street, a distance of 52.00 feet, to the northwesterly corner of the previously dedicate right-of-way of said Savannah Street, common to the northeasterly corner of Lot 1 of Block 19 of Trailwood Village; thence, sixth course: N73 37'43"W, along the northerly

boundary of said Lot 1 of Block 19, a distance of 110.00 feet, to the northwesterly corner of said Lot 1 of Block 19, common to a point on the easterly boundary of Lot 2 of Block 19 of Trailwood Village; thence, seventh course: N16 22'17"E, along the easterly boundary of said Lot 2 of Block 19, a distance of 100.00 feet, to the northeasterly corner of said Lot 2 of Block 19; thence, eighth course: N56 46'36"W, along the northerly boundary of said Lot 2 of Block 19, a distance of 10.34 feet, to a point on the northerly boundary of said Lot 2 of Block 19; thence, ninth course: N58 23'12"E, a distance of 129.245 feet; thence, tenth course: N49 39'12"E, a distance of 52.00 feet; thence, eleventh course: southeasterly, curving to the right on a curve with a radius of 126.00 feet, a delta angle of 09 57'12", an arc length of 21.88 feet, a chord bearing of S35 22'12"E, and chord distance of 21.86 feet; thence, twelfth course: N59 36'24"E, a distance of 136.53 feet, to a point on the southerly boundary of said Lot A of Block 13; thence, thirteenth course: S46 37'26"E, along the southerly boundary of said Lot A of Block 13, a distance of 51.09 feet, to the southeasterly corner of said Lot A of Block 13, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning, more generally described as being located the extension of Savannah Street north of Williams Street.

Brian Foos, 5903 Mercury Street, expressed his concerns with lighting in the area and added that there is only one streetlight at the southeast corner of Mercury Street and Reservoir Road.

Elkins explained that the Subdivision Regulations require that the subdivider put the conduit in place but they are not required to install streetlights. She further added that Pennington County has Reservoir Road scheduled for reconstruction and that staff would make them aware of lighting concerns along Reservoir Road. Elkins reviewed staff's recommendation.

**Rodriguez moved, seconded by Brown and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and to improve pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

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

Fisher requested that Items 23 thru 27 be considered concurrently.

**23. No. 04AN009 - Hyland Park Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** in 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.

24. No. 04AN010 - Section 35, T1N, R7E

A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** in 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.

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. 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.

27. 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** in 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.

Fisher stated that the applicant has requested that Items 23 thru 27 be continued to the November 24, 2004 Planning Commission meeting to allow the applicant time to review the outcome of the Special Planning Commission meeting scheduled on November 4, 2004 at 7:00 p.m.

**Rodriguez moved, seconded by Hadcock and unanimously carried to recommend that both Petitions for Annexation (04AN009 and 04AN010), the Layout Plat (04PL097), the Rezoning from No Use District to Low Density Residential District (04RZ037) and 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 as per Chapter 16.16 of the Rapid City Municipal Code (04SV042) be continued to the November 24, 2004 Planning Commission meeting at the applicant's request. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast**



**Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

Fisher requested that Items 28 and 29 be considered concurrently.

28. No. 04PL135 - Copper Oaks Subdivision

A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application for a **Layout Plat** on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wild Turkey Way and Quartz Canyon Lane.

29. No. 04SV053 - Copper Oaks Subdivision

A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wild Turkey Way and Quartz Canyon Lane.

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

In response to a question by Nash, Fisher explained that this property has recently been annexed into the city limits.

Dr. Paul Reinke, applicant, reviewed his development plans for the Copper Oaks area. He further expressed his concerns with Copper Oaks being landlocked and that there was no way for him to construct another road like Wilderness Canyon Road. He stated that he has obtained a written agreement with Rushmore Shadows Campground that provides the residents of Copper Oaks with use of a fire trail that comes out at the end Quartz Canyon Drive. He added that this is a recorded easement.

Discussion followed concerning the number of dwelling units with one exclusive point of access.

In response to a question by Schmidt, Reinke stated that he purchased the property in 1970 and was not aware of the 40-unit rule.

Fisher suggested that the Layout Plat and the Variance to the Subdivision Regulations be continued to the November 4, 2004 Planning Commission to allow staff time to schedule a tour of the site and to also allow staff and the City Attorney time to review the recorded easement.

Doug Sperlich, Sperlich Consulting, Inc., stated that the applicant supports a continuance to allow the City Attorney to review the recorded easement between Rushmore Shadows and Copper Oaks.

Discussion followed concerning the 40-unit rule, notification of residents of location of emergency exit, Spring Canyon terrain, fire protection and a second access street being provided for the development.

**Brown moved, seconded by Anderson and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 4, 2004 Planning Commission meeting. (9 to 0 with Rodriguez, LeMay, Brown, Anderson, Fast Wolf, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

Fisher requested that Items 30 and 31 be considered concurrently.

30. No. 04PL136 - Prairie Rose Subdivision

A request by Jerry Wendland for Keith Kuchenbecker to consider an application for a **Layout Plat** on Lots 1 thru 8, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 4, Block 3; Lots 1 thru 17, Block 4; Lots 1 thru 51, Block 5; Lots 1 thru 13, Block 6; Lots 1 thru 14, Block 7; a subdivision, located in the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Anderson Road.

31. No. 04SV054 - Prairie Rose Subdivision

A request by Jerry Wendland for Keith Kuchenbecker to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 8, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 4, Block 3; Lots 1 thru 17, Block 4; Lots 1 thru 51, Block 5; Lots 1 thru 13, Block 6; Lots 1 thru 14, Block 7; a subdivision, located in the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Anderson Road.

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

Fisher noted that the subject property is located in Pennington County, outside of the City limits, but within the Three Mile Platting Jurisdiction. She added that the applicant has submitted a rezoning request through Pennington County for their consideration. She explained that before the applicant goes beyond the Layout Plat process the subject property would have to be rezoned to Suburban Residential District by Pennington County.

Discussion followed concerning the community water and sewer system.

In response to a question by Nash, Fisher advised that the Variance to the Subdivision Regulations is for Anderson Road only.

In response to a question by Rodriguez, Fisher advised that there are property owners along SD Highway 44 and Longview Road that have requested information from the City of Rapid City concerning connecting to city sewer and water.

In response to a question from Rodriguez, Fisher advised that the property owners plan to form a district and then would approach the City of Rapid City to request that they connect to city water and sewer.

In response to a question by Rodriguez, Dave Johnson, City Engineer, stated that the city boundary is approximately one-half mile to the west of the Rapid Valley Sanitary Sewer District boundary along Longview Road.

Owen Lawson, 3655 Anderson Road, expressed concerns with increased traffic on Anderson Road and SD Highway 44, street lighting and access.

Ryan Olsen, 3921 Anderson Road, expressed concerns with increased traffic off Anderson Road and street lighting.

In response to a question by LeMay, Elkins indicated that curb, gutter and street light conduit is required when the density of the development results in lots that are less than one-half acre. She stated that the exception would be when the improvement would create a discontinuous street design.

In response to a question by Schmidt, Elkins suggested that area residents contact the County Highway Department and the Pennington County Sheriff's Department if they have traffic safety concerns regarding Anderson Road and SD Highway 44.

Fast Wolf left the meeting at 8:17 a.m.

In response to a question by Anderson, Elkins advised that there is no detailed traffic analysis prepared for this area.

Lengthy discussion followed concerning the cost to install street light conduit, road improvements, the potential reconstruction of Anderson Road and the City's future annexation plans.

**Brown moved, seconded by LeMay to recommend that the Layout Plat and the Variance to the Subdivision Regulations be approved per staff's recommendations.**

Schmidt stated that in his opinion street light conduit should be installed and that he plans to oppose the motion.

Fisher pointed out that the applicant has a rezoning request before the Pennington County Board of Commissioners and that members of the audience may wish to visit with the County Planning Department to determine when that public hearing will be held.

**Rodriguez moved to amend the motion, seconded by Prairie Chicken and carried to require that street light conduit be installed along Anderson Road. (7 to 1 with Rodriguez, LeMay, Brown, Anderson, Nash, Prairie Chicken and Schmidt voting yes and Hadcock voting no)**

**The vote on the amended motion unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, geotechnical analysis, including pavement design, shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The applicant shall also provide information identifying the entity responsible for operation and maintenance of the central sewer system and obtain South Dakota Department of Environment and Natural Resource 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 and approval or a Variance to the Subdivision Regulations shall be obtained. The applicant shall also provide information identifying the entity responsible for operation and maintenance of the central water system and obtain South Dakota Department of Environment and Natural Resource approval;**
- 6. Upon submittal of a Preliminary Plat application, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the road construction plans shall show Anderson Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Upon submittal of a Preliminary Plat, road construction plans for Prairie Aster Lane, Golden Rod Lane, Choke Cherry Loop and the unnamed street extending to the east lot line shall be submitted for**

- review and approval. In particular, the road construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans for Bunch Berry Circle, Marigold Court and Butter Cup Court shall be submitted for review and approval. In particular, the streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the northern loop of Prairie Aster Lane aligning with the approved approach located along the west side of Anderson Road;
  10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a 115 foot non-access easement along Prairie Aster Lane as it extends east from Anderson Road. In addition, the plat document shall be revised to show a non-access easement along Anderson Road and the first fifty feet of all corner lots or a Special Exception to the Street Design Criteria Manual shall be obtained;
  11. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties;
  12. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval. In particular, the Phasing Plan shall identify that no more than forty dwelling units shall have one point of access or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained;
  13. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  14. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
  15. Prior to submittal of a Final Plat application, a road maintenance agreement shall be submitted for review and approval;
  16. Prior to submittal of a Final Plat application, a Variance to the Subdivision Regulations shall be obtained to allow a lot length

greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;

17. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Anderson Road or a Variance to the Subdivision Regulations shall be obtained;
18. Prior to submittal of a Final Plat application, the applicant shall submit different street names for Prairie Aster Lane and Choke Cherry Loop to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
19. Prior to submittal of a Final Plat application, the property shall be rezoned by Pennington County from General Agriculture District to Suburban Residential District;
20. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Anderson Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along Anderson Road as it abuts the subject property. (8 to 0 with Rodriguez, LeMay, Hadcock, Brown, Anderson, Nash, Prairie Chicken and Schmidt voting yes and voting no)

32. No. 04PL140 - Falcon Crest Subdivision

A request by Dream Design International, Inc. for Dr. Marvin Buehner to consider an application for a **Layout Plat** on Lots 1 thru 3, Block 1, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located one half mile south of the intersection of Sheridan Lake Road and Countyside Boulevard.

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation.

In response to a question by Schmidt, Fisher explained that if there were more than 40 lots off one road, that road would typically be classified as a subcollector.

Hani Shafai, Dream Design International, Inc., reviewed the street network and one exclusive point of access. He requested that the Planning Commission approve the Layout Plat.

In response to a question by Nash, Shafai explained that the applicant is

proposing to subdivide approximately 40 acres into three residential lots and does not have any plans to subdivide the property further.

Discussion followed concerning terrain, ownership of the land to the east of the subject property, increases in density and the applicant's ability to provide a second access.

Lengthy discussion followed concerning applicant's options, covenants, future subdivision of the property and placement of a note on the plat to restrict subdividing the balance of the property.

**Schmidt moved, seconded by Prairie Chicken to recommend that the Layout Plat be continued to the November 4, 2004 Planning Commission meeting to allow the applicant time to prepare and file covenants with the property.**

Discussion followed concerning covenants, a continuance of the Layout Plat to allow staff time to prepare stipulations of approval and placement of a note on the plat.

**Rodriguez made a substitute motion, seconded by Brown and unanimously carried to recommend that the Layout Plat be continued to the November 4, 2004 Planning Commission meeting to allow the applicant time to prepare a note on the plat. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

**Schmidt withdrew the original motion.**

**\*33. No. 04PD057 - Sandstone Ridge Subdivision**

A request by Fisk Land Surveying & Consulting Engineers for Ken Kirkeby and Mike Tennyson to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 5 Revised, Sandstone Ridge Subdivision, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Sheridan Lake Road and south of Holiday Lane.

Tucker pointed out that staff received a letter of opposition from an adjacent property owner yesterday and a copy of that letter has been placed on the dais for Planning Commission review. He advised that the applicant has requested that Major Amendment to a Planned Residential Development be continued to the November 4, 2004 Planning Commission meeting.

**Rodriguez moved, seconded by Brown and unanimously carried to continue the Public Hearing on the Major Amendment to a Planned Residential Development to the November 4, 2004 Planning Commission meeting at the applicant's request. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

34. No. 04SV055 - Schamber Subdivision

A request by Russell and Dalaina Salamun to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 and 2020 Elmhurst Drive.

Catron-Blair presented the request and reviewed the slides of the subject property and staff's recommendation.

In response to a question by Olson, Elkins advised that the plat would not be affected by the overlay project for the Canyon Lake Neighborhood. She added that if there were a proposal to put multi-family units on this site and if the overlay is adopted, then it would affect the development of the property.

In response to a question by Olson, Catron-Blair explained that the applicant is proposing to subdivide two lots into three lots. She added that the applicant's intent is to either hold onto the third lot and someday sell it or possibly build something that is permitted in the multi-family district.

Discussion followed concerning continuation of 38<sup>th</sup> Street, drainage, access and street width.

Dalaina Salamun, applicant, explained her intentions and reviewed the plans to redesign the lots.

Elkins suggested that the Variance to the Subdivision Regulations be continued to the November 4, 2004 Planning Commission meeting to allow Planning Commission members to visit the property and to allow staff time to review the drainage, 38<sup>th</sup> Street, calculate how many units could be placed on the different lots and potential re-subdivision.

**Brown moved, seconded by Rodriguez and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the November 4, 2004 Planning Commission meeting. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

**Rodriguez moved, seconded by Hadcock and unanimously carried to reconsider Item #4 - NO. 04PL137 - Layout Plat. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**



4. No. 04PL137 - Schamber Subdivision

A request by Russell and Dalaina Salamun to consider an application for a **Layout Plat** on Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 and 2020 Elmhurst Drive.

In response to a question by Anderson, Elkins explained that there have been discussions concerning creating an overlay zoning district that would require more review for multi-family structures. She added that the Canyon Lake neighborhood had raised concerns regarding multi-family development in the area and how it affected the residents, the increase in traffic and whether there could be additional setbacks in place.

**Rodriguez moved, seconded by Anderson and unanimously carried to recommend that the Layout Plat be continued to the November 4, 2004 Planning Commission meeting. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

\*18. No. 04PD058 - Walpole Heights Subdivision

A request by Greg Wierenga, P.E., CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A Revised (less Lot H8), Tract C Revised and Tract D, Walpole Heights Subdivision, Lot AB and a parcel of land described by metes and bounds as beginning at the northeast corner of Tract C Revised, Walpole Heights Subdivision, located in the NE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 29, Page 131 at the office of the Pennington County Register of Deeds; thence N89°46'53"E a distance of 55.00 feet along an easterly extension of the south right-of-way line of Fairmont Boulevard; thence S00°14'07"E a distance of 335.43 feet; thence S89°46'53"W a distance of 79.48 feet; thence N16°55'29"E a distance of 83.90 feet; thence N00°14'07"W a distance of 132.53 feet; thence N00°25'26"W a distance of 96.65 feet; thence N00°25'23"W a distance of 26.09 feet to the point of beginning; the described parcel containing 0.445 acres, more or less and being a portion of Lot H-6 of the E1/2 SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota; said Lot H-6 being highway right-of-way; all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mt. Rushmore Road.

Elkins stated that the applicant has had an opportunity to review the cost-sharing estimate with the Assistant City Attorney and is in agreement with the conditions outlined in the letter.

**Rodriguez moved, seconded by Hadcock and unanimously carried to approved the Major Amendment to a Planned Commercial Development**

**with the following stipulations:**

- 1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 2. Prior to initiation of construction, an Air Quality Permit shall be obtained;**
- 3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed fire hydrant in a location that meets the Fire Department's approval;**
- 4. The structure shall be fully fire sprinkled and fully fire alarmed;**
- 5. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting background;**
- 6. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;**
- 7. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the water service curb stop located within the public right-of-way or the applicant shall provide an access easement from Fairmont Boulevard to the water service curb stop;**
- 8. Prior to Planning Commission approval, a sanitary sewer line profile shall be submitted for review and approval;**
- 9. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 10. Prior to Planning Commission approval, a revised landscaping plan shall be submitted, for review and approval, showing the entire Planned Commercial Development with a minimum of 372,316 landscaping points;**
- 11. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;**
- 12. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;**
- 13. Prior to issuance of a Building Permit, the applicant shall enter into an agreement with the City of Rapid City regarding participation in the costs of the intersection improvements;**
- 14. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;**
- 15. The proposed structure shall conform architecturally to the plans and elevations submitted; and,**
- 16. The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals***

***must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.***

35. Discussion Items

- A. Request for Authorization to Advertise a Comprehensive Plan Amendment to Adopt the Rapid City Regional Airport Master Plan Update

Discussion followed concerning postcard notification to adjacent property owners.

**Brown moved, seconded by Rodriguez to authorize staff to advertise a Comprehensive Plan Amendment to Adopt the Rapid City Regional Airport Master Plan Update and to notify property owners via postcards of the public hearing. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

- B. Request for Authorization to Advertise for an Open House for the Airport Neighborhood Area Future Land Use Plan

Discussion followed concerning postcard notification to study area property owners.

**Rodriguez moved, seconded by Hadcock and unanimously carried to authorize staff to advertise for an Open House for the Airport Neighborhood Area Future Land Use Plan via postcards to study area property owners. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and with none voting no)**

36. Staff Items

- A. Welcome - New Growth Management Staff

Elkins introduced and welcomed Michelle Prichard, Administrative Secretary for the Growth Management Department. She advised that Prichard started Monday, October 18, 2004 and will be taking minutes at the November 4, 2004 Planning Commission meeting.

- B. Special Planning Commissions Meeting - November 4, 2004 at 7:00 PM

Elkins reminded the Planning Commission that there are two Planning Commission meetings on November 4, 2004. She advised that the regularly scheduled Planning Commission meeting will meet at 7:00 a.m. and there will be a Special Planning Commission at 7:00 p.m. to discuss No. 04CA032 - Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Neighborhood Area Future Land Use Plan.

37. Planning Commission Items

None

**There being no further business Rodriguez moved, Brown seconded and unanimously carried to adjourn the meeting at 9:24 a.m. (8 to 0 with Rodriguez, LeMay, Brown, Anderson, Hadcock, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**