

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 9, 2004

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Patsy Horton, Bob Dominicak, Curt Huus, Karen Bulman, Renee Catron Blair, Tim Behlings, Dave Johnson, Joel Landeen, Todd Tucker, Nadine Bauer, and Michelle Prichard.

Chairperson Nash called the meeting to order at 7:03 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.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 13 in accordance with the staff recommendations. (Vote: 7-0 with Nash, Brown, Fast Wolf, Schmidt, Prairie Chicken, Anderson and Hadcock all voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the November 24, 2004 Planning Commission Meeting Minutes.
2. No. 04PL153 - Clarkson Subdivision
A request by CETEC Engineering Services, Inc. to consider an application for a **Preliminary Plat** on Lot 6 of Block 4, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

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 for Spring Canyon Trail shall be submitted for review and approval. In particular, the construction plans shall show Spring Canyon Trail located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Clarkson Road shall be submitted for review and approval. In particular, the construction plans shall show Clarkson Road located in a minimum 60 foot wide right-of-way and constructed with curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be

- obtained;
- 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 Preliminary Plat approval by the City Council, geotechnical information identifying the soil testing and design calculations for pavement design for the parking lot shall be submitted for review and approval. In addition, geotechnical information identifying the soil testing and design of the retaining wall, footing and foundations shall be submitted for review and approval; and,
- 5. 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.

3. No. 04PL157 - Section 7, T1N, R9E

A request by Jeffrey L. Glanzer to consider an application for a Layout Plat on Lots 1A and Lot 1B, Section 7, T1N, R9E, BHM, Pennington County, South Dakota, legally described as S1/2 of Government Lot 3, located in S1/2 NW1/4 SW1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23070 Radar Hill Road.

Planning Commission recommended 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, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
- 3. 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 Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
- 4. Upon submittal of a Preliminary Plat 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. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval;
- 5. Upon submittal of a Preliminary Plat application, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, the road construction plans shall show

Radar Hill 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. In addition, the plat document shall be revised to provide the dedication of 17 additional feet of right-of-way along the subject the property as it abuts Radar Hill Road;

6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a shared approach between the two lots or Lot 1B shall be reconfigured as a flagpole lot in order to share the existing approach to Lot 1A;
 7. 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;
 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 9. 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;
 10. Upon submittal of a Preliminary Plat application, a site plan showing the location of the existing residence and the on-site water and wastewater system shall be submitted for review and approval;
 11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a subdivision name;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a ten foot wide planting screen easement along Radar Hill Road or a Variance to the Subdivision Regulations shall be obtained; and,
 13. 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.
4. No. 04PL173 - Holy Cow Ranch Subdivision
A request by Lori Drabik-Angle Surveys for Ann Perry to consider an application for a **Preliminary 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 Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan shall be submitted for review and approval. In

- particular, the Master Utility Plan shall identify the well location, extension of water service lines, septic tanks and drainfields for each lot as well as private utilities (i.e., electricity, gas, telephone);
2. Prior to Preliminary Plat approval by the City Council, twenty foot additional right-of-way shall be dedicated along the Common Access Easement;
 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. A Exception to the Street Design Criteria Manual is hereby granted to allow Radar Hill Road to be located off the center line of the right-of-way;
 5. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required "Final Plat Certificates";
 6. Prior to submittal of the Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only"; and,
 7. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
5. No. 04PL174 - Meadow View Subdivision
A request by Patrick Hall for Donald Shultz, Frankie Shultz, Barbara Bulter, Thomas Feye to consider an application for a **Preliminary Plat** on the an unplatted portion of NW1/4, NE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Catron Boulevard.

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 and service lines shall be submitted for review or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the construction of curb, gutter, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, road

construction plans for the section line highway located along the north lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;

5. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from South Dakota Department of Transportation for the proposed approach along Catron Boulevard;
6. Prior to Preliminary Plat approval by the City Council, 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;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained;
9. Prior to Preliminary Plat approval by the City Council, topographic information shall be submitted for review and approval. In particular, the topographic information shall include existing contours, utilities and land features;
10. 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 Development Service Center Division;
11. Upon submittal of a Final Plat application, the plat document shall be revised to show the existing public utility easement located in the northern portion of the property;
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

6. No. 04PL175 - Holy Cow Ranch Subdivision

A request by Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lot 1R, Lot 9R, Well Lot A, and Well Lot B, Holy Cow Ranch Subdivision located in Government Lots 3 and 4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 1 and Lot 9 of Holy Cow Ranch Subdivision located in Government Lots 3 and 4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23258 Radar Hill Road.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, road construction plans shall show Radar Hill Road located in a minimum 60 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Holy Cow Ranch Road shall be submitted for review and approval. In particular, the road construction plans shall show Holy Cow Ranch Road located in a minimum 49 foot wide 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;**
- 3. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan shall be submitted for review and approval. In particular, the Master Utility Plan shall identify the well location, pumps, extension of water service lines, septic tanks and drainfields for each lot as well as private utilities (i.e., electricity, gas, telephone);**
- 4. 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;**
- 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 6. 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 the 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;**
- 7. Prior to Final Plat application, five foot additional right-of-way shall be dedicated for Radar Hill Road as it abuts the subject property;**
- 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the correct railroad name, "State of South Dakota, South Dakota Railroad Authority";**
- 9. Prior to submittal of the Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only"; and,**

10. **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.**

7. No. 04PL176 - Feigel Subdivision

A request by Don Wrede & Precision Surveying-Rick Bush for Robert Poeppel to consider an application for a **Preliminary Plat** on the balance of N1/2 of Block 4 Feigels Subdivision and balance of S1/2 of Block 4 Feigels Subdivision all located in NE1/4, SE1/4, Section31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 E. Watertown.

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

1. **Prior to Preliminary Plat approval by the City Council, the south 175 feet of Cherry Avenue right-of-way and E. Madison Street right-of-way shall be vacated or construction plans for E. Madison Street and the south 175 feet of 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;**
2. **Prior to Preliminary Plat approval by the City Council, a profile of the six inch water main located through the site shall be submitted for review and approval. In addition, a site plan identifying the location of the water service line to the existing building located on proposed Lot 3 shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, the applicant shall verify the sanitary sewer service line capacity. In addition, the location of the sewer service line to the existing building on proposed Lot 3 shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall identify on-site detention to reduce the drainage flows to historic levels as needed. In addition, the plat document shall be revised to provide drainage easements in conjunction with Knollwood Drainage Basin Plan;**
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 redlined drawings shall be returned to the Development Service Center 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 the correct spelling of the subdivision as "Feigel Subdivision". In addition, the plat document shall be revised to show the book and page of the adjacent vacated rights-of-way;**
8. **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.

8. No. 04PL177 - Big Sky Subdivision (Phase 11)

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on property described by metes and bounds Lots 1A thru 5A, 1B thru 5B, 1C thru 5C, and 2D thru 4D Block 21, and Lots 1A thru 5A, 1B thru 5B, 1C thru 5C, and 2D thru 4D Block 22, all located in SE1/4, NW1/4, of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. A portion of S1/2 Government Lot 3, Less Big Sky Subdivision and Less right-of-way; S1/2 Government Lot 4, more generally described as being located at the Intersection of Degeest and Homestead.

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

1. **Prior to Preliminary Plat approval by the City Council, an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular, the plan shall address drainage from the area west of the subject property and the plat document shall be revised to provide drainage easements as necessary. In addition, the drainage plan shall account for water quality enhancement or improvements and shall demonstrate that drainage flows to Homestead Street do not exceed the Drainage Criteria Manual Standards;**
3. **Prior to Preliminary Plat approval by the City Council, the plat shall be revised to provide a minimum 3,500 square foot lot size for each townhome lot or an Initial and Final Planned Residential Development shall be approved reducing the minimum required lot size from 3,500 square feet to 3,049 square feet;**
4. **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 Development Service Center Division;**
5. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted showing the extension of a water main across Berniece Street to an existing water main located on the north side of the street or a Variance to the Subdivision Regulations must be obtained;**
6. **Prior to Preliminary Plat approval by the City Council, road construction plans for the west 20 feet of Homestead Street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of a minimum 40 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
8. **Prior to Preliminary Plat approval by the City Council, the plat**

document shall be revised to provide a 50 foot non-access easement along the east lot line of Lot 1A and 5C of Block 21 and along the west lot line of Lot 1A and Lot 5C of Block 22 or an Exception to the Street Design Criteria Manual shall be obtained to reduce the separation between an intersection and a driveway approach;

9. All Uniform Fire Code shall be continually met;
10. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a six foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations;
11. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating "Replat" from the plat title. In addition, the plat title shall be revised to clarify whether it is Tract 1 (one) or Tract I (eye);
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the labeling of Block 21 and Block 22 within the proposed lot area of the plat;
13. 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.

9. No. 04RD002 - Park Hill

A request by Dean Kelly Construction to consider an application for a **Resolution to change road name from Hoefer Court to Julia Court** on property described by metes and bounds Lots 17 thru 22, Block 3, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Churchill Street and Hoefer Avenue.

Planning Commission recommended that the Resolution to change the road name from Hoefer Court to Julia Court for the cul-de-sac street located in the southeast corner of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be approved and that a street sign be posted.

10. No. 04SR062 - Rapid City Greenway Tract

A request by Jayne Kramer for Rushmore Plaza Civic Center to consider an application for a **11-6-19 SDCL Review to allow the construction of a marquee sign on public property** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 North Mt. Rushmore Rd.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a marquee sign on public property be approved with the following stipulations:

1. That an as-built plan showing the actual location of sign and fiber optic and power lines be submitted by June 1, 2005; and,

2. **That a landscaping plan be submitted to the Parks Department for review and approval and that all landscape materials be installed no later than June 1, 2005.**

11. No. 04TP023 - 2005 Unified Planning Work Program

A request by City of Rapid City to consider approval of the **2005 Unified Planning Work Program**.

Planning Commission recommended Final 2005 Unified Planning Work Program be approved.

12. No. 04VR010 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for a **Vacation of Right-of-Way** of Spring Canyon Trail right-of-way located south of Mountain Pine Lane right-of-way adjacent to Lot 3 Block 5 and Lot 5 Revised Block 4 of Clarkson Subdivision; Tract 1 of Glessnor Addition; the unplatted balance of the N1/2 SE1/4; and the unplatted part of the S1/2 NE1/4 lying south of Lot 5 Revised of Clarkson Subdivision, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

Planning Commission recommended that the Vacation of Right-of-Way be denied without prejudice at the applicant's request.

13. No. 04VR012 - Feigels Subdivision

A request by Don Wrede (TSP) & Rick Bush Precision Surveying for Robert Poeppel to consider an application for an **Vacation of Public Right-of-Way** on property described by metes and bounds the alley located adjacent to Lot 1 and 2 Block 4 of Feigels Subdivision, balance of N1/2 of Block 4 Feigels Subdivision, and balance of S1/2 of Block 4 Feigels Subdivision, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 900 East Watertown and 625 Riley Ave.

Planning Commission recommended that the Vacation of Public Right-of-Way be approved with following stipulations:

1. **Prior to City Council approval, the exhibit shall be revised to show the correct spelling of the subdivision as "Feigel Subdivision". In addition, Lot 1 and Lot 2 of Feigel Subdivision shall be revised to read "Lot 1, Block 4 of Feigel Subdivision" and "Lot 2, Block 4 of Feigel Subdivision. The plat document shall also be revised to show all of Block 1 of Feigel Subdivision as "all of Block 1 of Feigel Addition"; and,**
2. **Prior to City Council approval, a miscellaneous document dedicating a 20 foot wide public utility easement shall be recorded at the Register of Deed's Office.**

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

---HEARING ITEMS CONSENT CALENDAR---

Nash announced that the Public Hearings on Items 14 through 20 were opened.

Staff requested that Item 15 and 17 be removed from the Hearing Items Consent Calendar for separate consideration.

Schmidt requested that Item 14 be removed from the Hearing Items Consent Calendar for separate consideration.

A member of the audience requested that Items 16, 17, and 18 be removed from the Hearing Items Consent Calendar for separate consideration.

Brown moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 20 in accordance with the staff recommendations with the exception of Items 14, 15, 16, 17 and 18. (7 to 0 with Hadcock, Anderson, Brown, Fast Wolf, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)

The Public Hearings for Items 14 through 20 were closed.

19. No. 04SV064 - Section 7, T1N, R9E

A request by Jeffrey L. Glanzer to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds Lots 1A and Lot 1B, Section 7, T1N, R9E, BHM, Pennington County, South Dakota, legally described as S1/2 of Government Lot 3, located in S1/2 NW1/4 SW1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23070 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, sewer and pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way along Radar Hill Road; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

20. No. 04SV071 - Meadow View Subdivision

A request by the Patrick Hall for Donald Shultz, Frankie Shultz, Barbara Butler, Thomas Foye to consider an application for a **Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per chapter 16.16 of the Rapid City Municipal Code** on an unplatted portion of NW1/4 Ne 1/4 of Tract B of Meadow View Subdivision Section 26, T1N, R7E unplatted portion of NW1/4 NE1/4 of

Tract B of Meadow View Subdivision Section 26, T1N, R7E, more generally described as being located at approximately 200 feet northeast of the Wellington Drive and Catron Boulevard intersection on the northwest side of Catron Boulevard.

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

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

---END OF HEARING CONSENT CALENDAR---

14. No. 04CA042 - Comprehensive Plan Amendment

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Rapid City Regional Airport Master Plan (on airport), dated January 2000 and Rapid City Regional Airport Master Plan Update (on airport), dated May 2004.**

In response to a questions by Schmidt, Mason Short, Rapid City Regional Airport Executive Director, advised that the Rapid City Regional Airport master plan update is to incorporate recent changes experienced in the aviation industry into a strategic plan and he added that the FAA requires this document for the future vision.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to approve. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

15. No. 04CA060 - Comprehensive Plan Amendment

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on all located in Sections 23, 24, 25, 26, 34, 25 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 21 and 23, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, and more generally being described as being located south of US Highway 16B (Catron Boulevard), north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

Elkins presented the request and review staff's recommendation.

Discussion followed concerning land use, traffic counts, topography, arterial roads, access and future development of the area.

Casey Peterson expressed his concerns with the proposed modifications to the Major Street Plan regarding the elimination and realignment of the

collector and arterial roads and access.

Hani Shafai, Dream Design International, expressed concerns with access to the Shultz property and requested that the Planning Commission continue the request to the January 6, 2005 Planning Commission meeting.

Brown moved, seconded by Anderson and unanimously carried to recommend that the Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads be continued to the January 6, 2005 Planning Commission Meeting. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

Elkins requested that Items 16, 17, and 18 be considered concurrently.

16. No. 04CA065 - Section 25, T2N, R7E

A request by FMG Engineering for F&A Properties to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation on a 3.5 acre parcel from Residential to General Commercial with a Planned Commercial Development** on the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at west of Haines Avenue, south of Mall Drive, north of Paha Sapa Drive, east of Lakota Homes.

*17. No. 04PD072 - Section 25, T2N, R7E

A request by FMG Engineering for F&A Properties to consider an application for a **Planned Commercial Development - Initial Development Plan** on the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located West of Haines Avenue, South of Mall Drive, North of Paha Sapa Drive, East of Lakota Homes.

18. No. 04RZ057 - Section 25, T2N, R7E

A request by FMG Engineering for F&A Properties to consider an application for **Rezoning from Low Density Residential District to General Commercial District** on the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue, south of Mall Drive, north of Paha Sapa Drive, east of Lakota Homes.

Tucker presented the request and reviewed slides of the subject property and staff's recommendations.

Mary Wright, area resident, expressed her concerns with notification of property owners in Lakota Homes, access, increased traffic in a residential development.

Discussion followed concerning notification requirements.

Elkins noted that the applicant has met the notification requirements.

Wright requested that the Planning Commission continue Items 16, 17, and 18 to the January 6, 2005 Planning Commission meeting to allow the Lakota Homes Development to notify residents of the next meeting.

In response to a question by Schmidt, Kay Alberts, applicant, stated that he would meet with the residents of Lakota Homes to discuss his plans for a furniture store and did not oppose a continuance.

Discussion followed concerning the purchase agreement and time constraints.

Fast Wolf moved, seconded by Hadcock and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the land use designation on a 3.5 acre parcel from Residential to General Commercial with a Planned Commercial Development, Planned Commercial Development - Initial Development Plan, and the Rezoning from Low Density Residential District to General Commercial District be continued to the January 6, 2005 Planning Commisison Meeting. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Bulman requested that Items 21 thru 37 be considered together.

21. No. 04CA043 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.92 acre parcel from Public to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N49°55'49"E a distance of 1224.84 feet to the point of beginning; thence along the arc of a curve to the right whose radius point bears S50°24'14"E, having a radius of 842.93 feet, a central angle of 35°47'16" and an arc length of 526.57 feet; thence N83°15'56"W a distance of 119.91 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 114.98 feet; thence S00°03'21"W a distance of 446.63 feet to the point of beginning, containing an area of 1.92 acres, all located in the SE1/4 SE1/4 and SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

22. No. 04CA044 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.26 acre parcel from General Commercial with a Planned Commercial Development to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N64°54'42"E a distance of 2092.35 feet to the point of beginning; thence N66°07'09" e a distance of 35.13 feet; thence along the arc of a curve to the left whose radius point bears N23°52'51"W, having a radius of 500.00 feet, a central angle of 23°20'19" and an arc length of 203.67 feet; thence N42°46'50"E a distance of 135.90 feet; thence along the arc of a curve to the right whose radius point bears S33°40'19"W, having a radius of 912.83 feet, a central angle of 9°23'00" and an arc length of 149.50 feet; thence S42°55'22"W a distance of 232.95 feet; thence along the arc of a curve to the right whose radius point bears N47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 192.96 feet to the point of beginning, containing an area of 1.26 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

23. No. 04CA045 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.0 acre parcel from Office Commercial with a Planned**

- Commercial Development to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N52°10'52"E a distance of 1739.84 feet to the point of beginning; thence 83°15'56"E a distance of 276.46 feet; thence S59°06'14"E a distance of 286.69 feet; thence N66°07'09"E a distance of 35.13 feet; thence along the arc of a curve to the left whose radius point bears N23°52'51"W, having a radius of 500.00 feet, a central angle of 8°17'54" and an arc length of 72.42 feet; thence N44°05'09"W a distance of 171.27 feet; thence N83°15'56"W a distance of 303.07 feet; thence along the arc of a curve to the left whose radius point bears S1°11'17"E, having a radius of 851.82 feet, a central angle of 13°22'01" and an arc length of 198.73 feet to the point of beginning, containing an area of 1.0 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
24. No. 04CA046 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.18 acre parcel from Public to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet to the point of beginning, containing an area of 3.18 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
25. No. 04CA047 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.21 acre parcel from Public to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence N3°22'06"E a distance of 6.07 feet; thence along the arc of a curve to the right whose radius point bears S86°37'54"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence N27°28'05"E a distance of 278.96 feet; thence N62°31'55"W a distance of 89.99 feet; thence S27°29'45"W a distance of 272.96 feet; thence N89°16'18"W a distance of 248.96 feet; thence S54°42'24"E a distance of 227.17 feet; thence S83°15'56"E a distance of 116.68 feet to the point of beginning, containing an area of 1.21 acres, all located in the SE1/4 SE1/4, SW1/4 SE1/4, NE1/4 SE1/4, and NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County,

South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

26. No. 04CA048 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 0.42 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the right whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 11°03'18" and an arc length of 278.42 feet; thence S0°02'42"W a distance of 189.03 feet to the point of beginning, containing an area of 0.42 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

27. No. 04CA049 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.92 acre parcel from Office Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence N0°02'42"E a distance of 451.16 feet; thence N88°44'21"W a distance of 324.90 feet; thence along the arc of a curve to the left whose radius point bears N65°55'22"E, having a radius of 1443.00 feet, a central angle of 22°26'22" and an arc length of 565.14 feet to the point of beginning, containing an area of 1.92 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

28. No. 04CA050 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 7.88 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence along the arc of a curve to the right whose radius point bears N43°29'00"E, having a radius of 1443.00 feet, a central angle of 20°24'13" and an arc length of 513.87 feet; thence N89°39'23"W a distance of 374.98 feet;

thence S45°11'40"W a distance of 14.11 feet; thence S0°02'42"W a distance of 405.68 feet; thence along the arc of a curve to the right whose radius point bears N89°57'18"W, having a radius of 330.00 feet, a central angle of 24°38'03" and an arc length of 141.88 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N0°02'42"E a distance of 189.03 feet to the point of beginning, containing an area of 7.88 acres, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

29. No. 04CA051 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.05 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the left whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 01°18'43" and an arc length of 33.04 feet; thence S00°03'21"W a distance of 35.42 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 1.05 acres, all located in the NW1/4 SE1/4, NE1/4 SW1/4 and SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

30. No. 04CA052 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.56 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N21°41'03"E a distance of 898.69 feet to the point of beginning; thence S89°41'24"E a distance of 400.31 feet; thence N0°03'21"E a distance of 397.36 feet; thence S80°17'36"W a distance of 61.38 feet; thence N89°40'51"W a distance of 339.42 feet; thence S0°06'56"W a distance of 386.74 feet to the point of beginning, containing an area of 3.56 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

31. No. 04CA053 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 2.45 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N0°05'48"E a distance of 74.11 feet; thence N0°06'56"E a distance of 250.00 feet; thence N89°41'24"W a distance of 330.57 feet; thence S0°06'56"W a distance of 250.00 feet; thence S0°05'48"W a distance of 72.50 feet; thence S89°24'42"E a distance of 330.58 feet to the point of beginning, containing an area of 2.45 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

32. No. 04CA054 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.89 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N89°24'42"W a distance of 330.58 feet; thence S0°05'48"W a distance of 365.07 feet; thence S89°16'18"E a distance of 2.76 feet; thence S1°09'27"W a distance of 149.31 feet; thence S89°42'31"E a distance of 330.57 feet; thence N0°05'48"E a distance of 512.67 feet to the point of beginning, containing an area of 3.89 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

33. No. 04CA055 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.86 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S89°24'42"E a distance of 452.05 feet; thence along the arc of a curve to the right whose radius point bears S72°22'50"E, having a radius of 842.93 feet, a central angle of 21°58'36" and an arc length of 323.32 feet; thence N00°03'21"E a distance of 446.63 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 58.13 feet; thence S00°03'21"W a distance of 397.36 feet; thence N89°41'24"W a

- distance of 400.31 feet; thence S00°06'56"W a distance of 250.00 feet; thence S00°05'48"W a distance of 74.11 feet to the point of beginning, containing an area of 5.86 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
34. No. 04CA056 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 4.93 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S0°05'48"W a distance of 512.67 feet; thence S89°42'31"E a distance of 416.02 feet; thence N0°36'33"W a distance of 245.03 feet; thence along the arc of a curve to the right whose radius point bears N89°19'20"E, having a radius of 842.93 feet, a central angle of 18°17'50" and an arc length of 269.19 feet; thence N89°24'42"W a distance of 452.05 feet to the point of beginning, containing an area of 4.93 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
35. No. 04CA057 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 16.78 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, S89°42'31"E a distance of 746.59 feet to the point of beginning; thence S89°42'31"E a distance of 701.03 feet; thence N0°45'02"W a distance of 362.10 feet; thence along the arc of a curve to the right whose radius point bears N89°12'50"E, having a radius of 500.00 feet, a central angle of 66°54'19" and an arc length of 583.86 feet; thence N66°07'09"E a distance of 169.03 feet; thence N59°06'14"W a distance of 286.69 feet; thence N83°15'56"W a distance of 276.71 feet; thence along the arc of a curve to the left whose radius point bears S14°36'58"E, having a radius of 842.93 feet, a central angle of 76°03'42" and an arc length of 1119.01 feet; thence S0°36'33"E a distance of 245.03 feet to the point of beginning, containing an area of 16.78 acres, all located in the SW1/4 SE1/4 and SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
36. No. 04CA058 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use**

designation on a 0.06 acre parcel from Office Commercial with a Planned Commercial Development to Public on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N35°14'08"E a distance of 1576.77 feet to the point of beginning; thence S58°33'19"E a distance of 49.54 feet; thence S89°16'18"E a distance of 136.19 feet; thence N54°42'24"W a distance of 21.99 feet; thence N84°42'24"W a distance of 161.19 feet to the point of beginning, containing an area of 0.06 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

37. No. 04CA059 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 8.94 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N84°19'06"W a distance of 840.15 feet to the point of beginning; thence N43°12'17"E a distance of 193.24 feet; thence N27°29'06"E a distance of 678.92 feet; thence S34°57'23"E a distance of 210.68 feet; thence along the arc of a curve to the left whose radius point bears N55°02'37"E, having a radius of 326.00 feet, a central angle of 54°27'18" and an arc length of 309.84 feet; thence S89°24'42"E a distance of 6.72 feet; thence N0°05'48"E a distance of 72.50 feet; thence N0°06'56"E a distance of 250.00 feet; thence S89°41'24"E a distance of 330.57 feet; thence N0°06'56"E a distance of 386.74 feet; thence N89°40'51"W a distance of 238.67 feet; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the right whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 25°22'18" and an arc length of 146.13 feet; thence S54°23'47"W a distance of 133.90 feet; thence S54°23'47"W a distance of 186.00 feet; thence S35°36'13"E a distance of 130.00 feet; thence S54°23'47"W a distance of 174.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S26°02'24"W a distance of 121.98 feet; thence S24°30'11"W a distance of 559.66 feet to the point of beginning, containing an area of 8.94 acres, all located in the SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, and SE1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

Bulman presented the requests and staff's recommendations for Items 21 thru 37. She also pointed out that Stipulation #2 for 04CA049 should be removed.

Hadcock moved, seconded by Anderson and unanimously carried to approve Items 21 thru 37 with stipulations and the revision to Item 27 on the Comprehensive Plans to the Stoneridge Subdivision. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

Bulman requested that Items 38 thru 42 be considered concurrently.

38. No. 04RZ048 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Office Commercial District**, on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 179.38 feet; thence S54°42'24"E a distance of 249.16 feet; thence S83°15'56"E a distance of 116.68 feet; thence N3°22'06"E a distance of 6.07 feet; thence along the arc of a curve to the right whose radius points bears S86°37'54"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence N27°28'05"E a distance of 278.96 feet; thence N62°31'55"W a distance of 353.42 feet; thence along the arc of a curve to the right whose radius points bears N27°28'05"E, having a radius of 1001.00 feet, a central angle of 25°27'54" and an arc length of 444.89 feet; thence N89°37'25"W a distance of 201.51 feet; thence S0°02'42"W a distance of 637.07 feet to the point of beginning, containing an area of 9.0 acres, all located in the SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, and NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

39. No. 04RZ049 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Medium Density Residential District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N00°05'48"E a distance of 78.92 feet to the point of beginning; thence N0°05'48"E a distance of 507.96 feet; thence N0°06'56"E a distance of 250.00 feet; thence S89°41'24"E a distance of 330.57 feet; thence N0°06'56"E a distance of 386.74 feet; thence N89°40'51"W a distance of 238.67 feet; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the right whose radius points bears 60°58'31"W, having a radius of 330.00 feet, a central angle of 25°22'18" and an arc length of 146.13 feet; thence S54°23'47"W a distance of 319.90 feet; thence S35°36'13"E a distance of 130.00 feet; thence S54°23'47"W a distance of 174.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S26°02'24"W a distance of 121.98 feet; thence S24°30'11"W a distance of 559.66 feet; thence S89°42'31"E a distance of 837.63 feet to the point of beginning, containing an area of 17.1 acres, all located in the NW1/4 SE1/4, SW1/4 SE1/4, NE1/4 SW1/4, and SE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

40. No. 04RZ050 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds beginning at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian; thence S89°42'31"E a distance of 330.57 feet; thence N00°05'48"E a distance of 586.77 feet; thence

- N00°06'56"E a distance of 250.00 feet; thence N89°41'24"W a distance of 330.57 feet; thence S00°06'56"W a distance of 250.00 feet; thence S00°05'48"W a distance of 586.88 feet to the point of beginning, containing an area of 6.3 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
41. No. 04RZ051 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N21°41'03"E a distance of 898.69 feet to the point of beginning; thence S89°41'24"E a distance of 400.31; thence N00°03'21"E a distance of 397.36 feet; thence S80°17'36"W a distance of 61.38 feet; thence N89°40'51"W a distance of 339.42 feet; thence S00°06'56"W a distance of 386.74 feet to the point of beginning, containing an area of 3.6 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
42. No. 04RZ052 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, S89°42'31"E a distance of 330.57 feet to the point of beginning; thence S89°42'31"E a distance of 2148.29 feet; thence along the arc of a curve to the left whose radius points bears N28°20'02"W, having a radius of 191.00 feet, a central angle of 61°37'11" and an arc length of 205.41 feet; thence N0°02'46"E a distance of 204.74 feet; thence along the arc of a curve to the left whose radius points bears N89°57'14"W, having a radius of 897.00 feet, a central angle of 47°07'24" and an arc length of 737.74 feet; thence S42°55'22"W a distance of 221.48 feet; thence along the arc of a curve to the right whose radius points bears N47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 479.65 feet; thence N83°15'56"W a distance of 396.62 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 163.80 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 58.13 feet; thence S0°03'21"W a distance of 397.36 feet; thence N89°41'24"W a distance of 400.31 feet; thence S0°06'56"W a distance of 250.00 feet; thence S0°05'48"W a distance of 586.78 feet to the point of beginning, containing an area of 50.7 acres, all located in the SW1/4 SE1/4 and SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.
43. No. 04RZ053 - Stoneridge Subdivision
A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N51°14'38"E

a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet; to the point of beginning, containing an area of 3.2 acres, all located in the SE1/4 SE1/4 and NE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

44. No. 04RZ054 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Medium Density Residential District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N00°02'42"E a distance of 637.08 feet; thence along the arc of a curve to the right whose radius points bears N21°26'19"W, having a radius of 532.00 feet, a central angle of 21°46'57" and an arc length of 202.25 feet; thence N89°39'23"W a distance of 480.42 feet; thence S45°11'40"W a distance of 14.11 feet; thence S00°02'42"W a distance of 405.68 feet; thence along the arc of a curve to the right whose radius points bears N89°57'18"W, having a radius of 330.00 feet, a central angle of 24°38'03" and an arc length of 141.88 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet to the point of beginning, containing an area of 9.5 acres, all located in the NW1/4 SE1/4, and NE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

45. No. 04RZ055 - Stoneridge Subdivision

A request by Dream Design International, Inc. to consider an application for **Rezoning from General Agriculture District to Public District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius points bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 179.38 feet; thence S54°42'24"E a distance of 249.16 feet; thence S83°15'56"E a distance of 602.37 feet; thence N27°29'45"E a distance of 202.66 feet; thence S62°31'55"E a distance of 153.59 feet; thence along the arc of a curve to the right whose radius points bears S27°28'05"W, having a radius of 909.00 feet, a central angle of 15°27'17" and an arc length of 245.19 feet; thence S42°55'22"W a distance of 233.48 feet; thence along the arc of a curve to the right whose radius points bears 47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 479.65 feet; thence N83°15'56"W a distance of 396.62 feet; thence

N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 163.80 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 5.1 acres, all located in the NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SE1/4, and NE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fifth Street and Catron Boulevard.

Hadcock moved, seconded by Prairie Chicken and unanimously carried to to approve Items 38 thru 45 with stipulations to the Rezoning. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

*46. 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.

Tucker advised that the stipulations of approval have not been met and recommendrd that the Major Amendment to the Planned Residential Development be continued to the January 6, 2005 Planning Commission meeting.

Schmidt moved, seconded by Brown and unanimously carried to continue the Public Hearing on the Major Amendment to a Planned Residential Development be continued to the January 6, 2005 Planning Commisison meeting as the stipulations of approval have not been met.

*47. No. 04PD069 - Blakes Addition

A request by Daene Boomsma for Boom Construction Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 12 thru 14, Block 2, Blakes Addition, located in the NE1/4 of the SE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 35 Madison Street.

Tucker presented the request and reviewed the slides of the subject property and staff's recommendations.

Hadcock moved, seconded by Anderson and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan 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 new structure;**
- 2. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 3. Prior to Planning Commission approval, a revised site plan showing**

- the location of all exterior lighting shall be submitted for review and approval;
4. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
 5. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing a minimum of 16,030 landscaping points with a minimum of 8,015 points located within 20 feet of the parking lot;
 6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and approved site plan;
 7. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing a minimum of 12 off-street parking stalls being provided with one stall being a "van accessible" handicapped stall;
 8. The parking plan shall continually comply with all requirements of the Zoning Ordinance and approved site plan;
 9. Prior to issuance of a Building Permit, the applicant shall provide a sediment/erosion control plan for review and approval;
 10. Prior to Planning Commission approval, a drainage plan demonstrating that adequate capacity to convey flows to the street without impacting adjacent properties shall be submitted. Also, staff noted that the drainage plan shall also address considerations for water quality enhancement;
 11. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing curbside sidewalk located along North First Street;
 12. Prior to any construction within the public right-of-way, a Right-of-Way Construction Permit shall be obtained;
 13. Prior to Planning Commission approval, the site plan shall be revised to show the existing concrete parking area posted with a "No Parking" sign to prevent the area from being used as parking;
 14. Prior to Planning Commission approval, a revised site plan shall be submitted showing the existing alley to be paved or provide a physical barrier restricting access at the eastern terminus of the proposed parking lot;
 15. Prior to Planning Commission approval, a revised site plan showing the proposed driveway approach being perpendicular to North First Street and a maximum of 20 feet in width shall be submitted for review and approval. Also, Planning Commission recommended that the driveway approach be constructed of reinforced concrete to the property line as per the Street Design Criteria Manual;
 16. Prior to issuance of a Building Permit, the existing hydrants in the area shall be tested to insure that the minimum fire flow water is available;
 17. The proposed structure shall be fully fire sprinkled as per the International Fire Code or be properly separated as per the International Building Code. Staff also noted that access to and around the facility shall accommodate all Fire Department

- apparatus;
18. Twelve inch address numbers shall be posted on the buildings as to be plainly visible from the street as per the International Fire Code;
 19. All applicable provisions of the International Fire Code shall be continually met;
 20. Prior to Planning Commission approval, complete information regarding the location and proposed screening of the dumpster shall be submitted to insure that the adjacent residential properties are not adversely affected;
 21. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
 22. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

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

*48. No. 04PD071 - James Subdivision

A request by Kennedy Design Group, Inc. for Danny or Debora Holsworth to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 5K of Lot B of Lot 5 less the north 15 feet of Tract 2, James Subdivision, and Lot 5G of Lot C of Tract 2 of Lester Subdivision, all located within Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Ash Avenue and Tallent Street.

Tucker presented the request and reviewed the slides of the subject property and the staff recommendations.

Anderson moved, seconded by Hadcock and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

1. The uses allowed within the Planned Commercial Development shall be limited to a maximum of four duplexes or a total of eight dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the new structure;
3. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
4. Prior to Planning Commission approval, a revised site plan shall be

- submitted for review and approval showing a minimum of 13,146 landscaping points located within 20 feet of the parking lot. Staff also recommends that the landscaping plan be revised to show trees located between the proposed parking lot and Ash Avenue to provide a buffer between the proposed development and the surrounding properties;
5. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;
 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
 7. Prior to issuance of a Building Permit, the applicant shall provide a sediment/erosion control plan for review and approval;
 8. Prior to Planning Commission approval, a revised drainage report showing a reduction in flows via on-site detention shall be submitted for review and approval;
 9. Prior to issuance of a Building Permit, the Meade Hawthorne Drainage Basin fees shall be paid;
 10. Prior to Planning Commission approval, a plan and profile for the water main, fire hydrant lead extension and wastewater main shall be submitted for review and approval;
 11. Prior to Planning Commission approval, the site plan shall be revised to show manholes located on the wastewater main;
 12. Address numbers shall be posted on-site so as to be readily seen from the street or parking lot;
 13. All applicable provisions of the International Fire Code shall be continually met;
 14. Prior to issuance of a Building Permit, a developmental lot agreement shall be obtained to legally tie the two properties together, or the two properties shall be platted into one parcel;
 15. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
 16. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

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

*49. No. 04PD073 - Geld Subdivision

A request by Geld, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on property described by metes and bounds commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northeast corner of Lot 1 of Block 1 of Geld Subdivision;

thence S00°01'23"E, 48.48 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northwest corner of Lot 1 of Block 1 of Tires Plus Addition; thence S00°02'31"E, 260.00 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the southeast corner of Lot 1 of Block 1 of Geld Subdivision; thence N89°48'01"W, 154.19 feet to a point on the south lot line of Lot 1 of Block 1 of Geld Subdivision; thence N00°11'59"E, 307.26 feet to a point on the north lot line of Lot 1 of Block 1 of Geld Subdivision; thence N89°58'11"E, 302.89 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northeast corner of Lot 1 of Block 1 of Geld Subdivision at the point of beginning; all located with NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Disk Drive.

Tucker presented the request and reviewed the slides of the subject property and staff's recommendations.

Tucker distributed revised stipulations for Planning Commission's review and discussion followed concerning the sign package parking stalls and the grade in the parking lot.

Hadcock moved, seconded by Prairie Chicken and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan 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 structures;**
- 2. All plans submitted with the Building Permit application shall be prepared by a licensed professional architect or engineer as per South Dakota Codified Law 36-18;**
- 3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 4. The uses allowed within the Planned Commercial Development shall be limited to a restaurant. Staff also noted that if alcohol is to be served in association with the full service restaurant, a Major Amendment to the Planned Commercial Development shall be obtained;**
- 5. A Sign Permit shall be obtained prior to installation of any sign on the property. No off-premise advertising shall be allowed on the site;**
- 6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;**
- 7. An exception is hereby granted to allow the handicapped parking stalls to not be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In addition, the parking lot shall be striped with a crosswalk between the handicapped stalls and the sidewalk located on the east side of the proposed structure;**
- 8. An exception is hereby granted to allow the parking lot for the proposed development to be within one foot of the adjacent Low Density Residential zoned property to the north;**

9. The parking plan shall continually comply with all other requirements of the Zoning Ordinance;
10. An exception is hereby granted to waive the requirement for the installation of an opaque ornamental screening fence along the north property line as it abuts the Low Density Residential Zoning District;
11. The proposed structure shall be fully fire sprinkled and alarmed as per the International Fire Code;
12. All applicable provisions of the International Fire Code shall be continually met;
13. Prior to issuance of a Building Permit, the applicant shall demonstrate that drainage facilities will be constructed that are adequate to convey runoff from the northwest corner of the subject property to the existing 50 foot wide major drainage easement located to the west of the subject property;
14. Prior to issuance of a Building Permit, the applicant shall provide evidence of appropriate easements if the proposed drainage facilities are not located within existing easements;
15. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
16. 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.

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.

Fisher requested that Items 50 and 51 be considered concurrently.

50. No. 04PL154 - Section 20, T1N, R8E
A request by Hewey Clemmons to consider an application for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5680 South Highway 79.
51. No. 04SV062 - Section 20, T1N, R8E
A request by Hewey Clemmons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid**

City Municipal Code on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5680 South Highway 79.

Fisher advised that the applicant has requested that the Layout Plat and Variance to the Subdivision Regulations be continued to the January 6, 2005 Planning Commission meeting.

Schmidt moved, seconded by Brown and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code, be continued to the January 6, 2005 Planning Commission meeting at the applicant's request. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

52. No. 04SR018 - Section 34, T1N, R8E

A request by Basin Electric Power Cooperative to consider an application for an **11-6-19 SDCL Review to allow expansion of a utility substation** on the NE1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Old Folsom Road and Lamb Road.

Fisher advised that the applicant has requested that the 11-6-19 SDCL Review be continued to the January 6, 2005 Planning Commission meeting.

Brown moved, seconded by Hadcock and unanimously carried to recommend that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the January 6, 2005 Planning Commission meeting at the applicant's request. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

53. No. 04SR061 - Stoney Creek Subdivision

A request by Phil Nichols Associates for the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of a booster station on public property** on Lot 1, Block 4, Stoney Creek Subdivision Phase 1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at north east of the intersection of Bendt Drive and Catron Boulevard.

Tucker presented the request and noted that staff is recommending that **Stipulation #4** be revised to read that "Prior to issuance of a building permit" rather than "Prior to Planning Commission approval".

Anderson moved, seconded by Hadcock and unanimously carried to recommend that the 11-6-19 SDCL Review to allow the construction of a booster station on public property be approved 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 structure;
2. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
3. The landscaping plan shall be maintained in a live condition and continually comply with all requirements of the Zoning Ordinance and the approved site plan;
4. Prior to issuance of a Building Permit, a revised site plan showing striping for a minimum of two off-street parking stalls, one being a "van accessible" handicapped stall shall be submitted for review and approval; (show striping line prior to issuance of building permit)
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved site plan;
6. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
7. On-site pipe may be stored within the pipe storage area for a period of time not to exceed 30 days in a row;
8. No sediment discharge will be allowed until final stabilization of all lot surfaces has been obtained;
9. Prior to issuance of a Building Permit, the drainage plan shall address water quality enhancement for storm water runoff;
10. Prior to issuance of a Building Permit, a revised site plan showing the location, size and materials for the proposed sanitary sewer line shall be submitted for review and approval;
11. Prior to initiation of construction of the sidewalk or driveway approach located within the public right-of-way a Right-of-Way Construction Permit shall be obtained; and,
12. The site shall meet all fire and life safety requirements as per the International Fire Code. (7-0 vote with Nash, Brown, Schmidt, Fast Wolf, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

Ida Fast Wolf left at 8:15 am

Fisher requested that Items 54 and 55 be considered concurrently.

54. No. 04PL135 - Copper Oaks Subdivision
A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application

for a **Layout Plat** on 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 the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks, and Tract A less the east 350 feet of the north 900 feet of the Busted Five Development all located in 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 request and reviewed the slides and staff's recommendation.

Lengthy discussion followed concerning access road maintenance, fire mitigation, and the recorded easement.

Doug Sperlich, Sperlich Consulting, advised if the applicant is unable to get a permanent easement then the applicant will seek an Exception from City Council to allow a28 dwelling units with one point of access.

55. 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 the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks all located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wild Turkey Way and Quartz Canyon Lane.

Discussion followed concerning the proposed secondary access.

Schmidt moved to continue the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement to the January 6, 2005 Planning Commission meeting. The motion died for lack of second.

Tom Hagen, 23635 Quartz Canyon Place, expressed concerns with the street network and water supply.

Rod Slogger, area resident, expressed concerns regarding fire issues and opposed the Variance to the Subdivision Regulations to waive the requirement to install sidewalk.

Brown moved, seconded by Anderson and unanimously carried to recommend 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 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, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**
- 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 and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. The water plans shall also address high and low water pressure looping. In addition, the applicant shall submit documentation that the existing community water district concurs with the proposed expansion of use;**
- 6. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
- 7. Upon submittal of the Preliminary Plat application, road construction plans for Peregrine Point Place shall be submitted for review and approval. In particular, Peregrine Point Place shall be 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;**
- 8. Upon submittal of the Preliminary Plat application, road construction plans for Wilderness Canyon Road and Quartz Canyon Lane shall be submitted for review and approval. In particular, Wilderness Canyon Road and Quartz Canyon Lane shall be**

- constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of the Preliminary Plat application, road construction plans for Wild Turkey Way, the two un-named cul-de-sacs and the north-south street located adjacent to proposed Lots 1, 7 and 8 of Block 5 shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the cul-de-sac bulbs at the end of the two un-named cul-de-sac streets and Wild Turkey Way shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of a Preliminary Plat application, road construction plans for the emergency road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; In addition, a full ingress/egress easement shall be obtained or an Exception shall be obtained to allow 178 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual;
 11. Upon submittal of a Preliminary Plat, road construction plans for the section line highways located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
 12. A Special Exception to the Street Design Criteria Manual to allow a 7,800 foot and a 7,000 foot long cul-de-sac, respectively, with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 13. 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;
14. Upon submittal of a Final Plat application, a road maintenance agreement shall be submitted for review and approval as required by City Ordinance;
 15. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
 16. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 17. Prior to submittal of a Final Plat, the applicant shall submit street names for the two un-named cul-de-sacs and the emergency road to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name. The plat document shall also be revised to show the labeling of "Quartz Canyon Lane" and "Red Fox Court"; and,
 18. 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.

That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum 24 foot wide paved surface along the two un-named cul-de-sacs, Quartz Canyon Place and Wild Turkey Way be denied;

That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum 20 foot wide paved surface along the emergency access easement be denied;

That the Variance to the Subdivision Regulations to waive the requirement to improve pavement along Wilderness Canyon Road and Quartz Canyon Lane from 24 feet to 27 feet be approved with the following stipulations:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the pavement improvement along Wilderness Canyon Road and Quartz Canyon Lane; and,
2. A note prohibiting on-street parking shall be placed on the plat.

That the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit and sewer along the two un-named cul-de-sacs, Quartz Canyon Place, Quartz Canyon Lane and Wild Turkey Way 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 improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to provide curb, gutter, sidewalk, street light conduit, water and sewer along the emergency access easement be approved. (6-0 vote with Nash, Brown, Schmidt, Hadcock, Prairie Chicken, and Anderson all voting yes and none voting no)

56. No. 04SV061 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6 of Block 4, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

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

Schmidt moved, Anderson seconded, and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

1. **Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, sewer and street light conduit along Clarkson Road and Spring Canyon Trail as they abut the subject property. (6-0 vote with Nash, Brown, Schmidt, Prairie Chicken, and Anderson all voting yes and none voting no)**

Anderson made a motion to continue the meeting until Monday, December 13, 2004 at 7:00 A.M.

Anderson moved, seconded by Brown and unanimously carried to continue the December 9, 2004 meeting to December 13, 2004 at 7:00 A.M. (6-0 vote with Nash, Brown, Schmidt, Prairie Chicken, and Anderson all voting yes and none voting no)

Nash recessed the Planning Commission meeting at 9:28 A.M.

MEMBERS PRESENT: Hadcock, Prairie Chicken, Schmidt, Brown, Anderson,

LeMay, Fast Wolf, and Nash. Karen Olson, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Renee Catron Blair, Bill Knight, Bob Dominicak, Curt Huus, Pat Beaudette, Dave Johnson, Joel Landeen, Todd Tucker, Nadine Bauer, and Michelle Prichard.

Chairperson Nash called the continued meeting to order at 7:03 a.m. on December 13, 2004.

57. No. 04SV070 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Ed Eisenbraun to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install the 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, BHM, 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; all 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 Corner of Covington and Avery Street.

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

Doug Sperlich, Sperlich Consulting, reviewed the use of the property. He added that in his opinion there is no need for a sidewalk on Avery Street. In response to a question by Anderson, Catron-Blair advised that there is sidewalk installed along Covington.

Prairie Chicken advised that he would not support the Variance to the Subdivision Regulations due to the close proximity of the school and residential area.

Schmidt moved, seconded by Brown and motion carried to deny the Variance to the Subdivision Regulations to waive the requirement to install the sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. (5-3 vote with Hadcock, Prairie Chicken, Schmidt, Brown, and LeMay voting yes and Anderson, Fast Wolf, and Nash voting no)

58. No. 04SV072 - Holy Cow Ranch Subdivision

A request by the Sperlich Consulting, Inc. for Dave and Marjean Riter to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code** Lot 1 and Lot 9 of Holy Cow Ranch Subdivision located in Government Lots 3 and 4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23258 Radar Hill Road.

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

Doug Sperlich, Sperlich Consulting, Inc., explained that the developer has agreed to sell the property owners the wells so that they can have their own water system. He added that the developer cannot deed the well without the lot. He further explained that the owner does not want to install pavement on Radar Hill Road adjacent to Lot 1R.

Schmidt moved, seconded by Prairie Chicken to put in the motion to deny and approve, motion failed with a vote of (2-6 vote with Prairie Chicken and Schmidt voting yes and Anderson, Hadcock, Brown, LeMay, Fast Wolf, and

Nash voting no). Hadcock moved, seconded by Anderson and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code with the following one stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road and shall sign a waiver of right to protest any future assessments for the installation of pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Holy Cow Ranch Road.

Bulman requested that Items 59 and 60 be considered together.

59. No. 04TI013 - Section 26 and Section 35, T2N, R7E

A request by the City of Rapid City to consider an application for a **Resolution Creating Tax Increment District #50** on on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west and including the I-190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E, lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest quadrant of Omaha Street and I-190.

60. No. 04TI014 - Section 26 and Section 35, T2N, R7E

A request by City of Rapid City to consider an application for a **Tax Increment District #50 - Project Plan** on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west and including the I-

190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E, lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest quadrant of Omaha Street and I-190.

Bulman presented the requests and review the slides and the Tax Increment Financing Committee's recommendations.

Brown moved, seconded by Anderson and unanimously carried to recommend that the Resolution Creating Tax Increment District #50 and the Tax Increment District #50 - Project Plan be approved. (8-0 vote with Nash, Brown, Schmidt, Prairie Chicken, Hadcock, Fast Wolf, LeMay, and Anderson all voting yes and none voting no)

*61. No. 04UR017 - Green Acres Addition

A request by CCKT, Inc., D/B/A King of Hearts Casino to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 17 thru 21, Block 15, Green Acres Subdivision, Section 34, T2N, R7E, BHM. Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 West Main Street.

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

In response to a question by Schmidt, Fisher advised that staff had not received any calls or letters in opposition to the Conditional Use Permit.

Hadcock moved, Anderson seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment 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. The on-sale liquor establishment shall comply with the International Fire Code;**
- 3. The on-sale liquor establishment shall comply with the International Building Code. In particular, the on-sale liquor establishment shall be sprinklered and a second access door shall be provided. In addition, a separate building permit shall be obtained for the sprinkler system;**
- 4. A minimum of 21 parking spaces shall be provided with two handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**

5. A minimum of 11,819 landscaping points shall be provided. In particular, two large deciduous trees shall be located in the Vale Street boulevard and the West Main Street boulevard, respectively. 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;
6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. In particular, the eight (8) existing two foot by four foot wall signs and the large banner shall be removed from the building. In addition, a sign permit shall be obtained for any new constructed or placed signs on the property. Off-premise signs and/or temporary signs shall not be allowed;
7. The on-sale liquor establishment shall not exceed the 1,521 square foot area as shown on the applicant's site plan. Any expansion of the on-sale liquor establishment shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (8-0 vote with Nash, Brown, Schmidt, Prairie Chicken, Hadcock, Fast Wolf, LeMay, and Anderson all voting yes and none voting no)

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

62. No. 04VR011 - Millard Addition

A request by Lyle Henriksen for Chase & Company, LPI to consider an application for an **Vacation of Right-of-Way** on property described by metes and bounds that portion of Greenway Street right-of-way lying between the east line of Holcomb Avenue right-of-way and a line between the south corner of Lot 3 and the east corner of Lot 19 of Block 1 of Millard Addition, located in NE1/4 of NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Greenway Street between Holcomb Avenue and North Maple Avenue.

Tucker advised that the applicant has requested that the Vacation of Right-of-way be continued to the January 6, 2005 Planning Commission meeting to allow staff time to review new information submitted by the applicant.

Schmidt moved, seconded by Hadcock and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the January 6, 2005 Planning Commission meeting. (8-0 vote with Nash, Brown,

Schmidt, Prairie Chicken, Hadcock, Fast Wolf, LeMay, and Anderson all voting yes and none voting no)

63. No. 04PL165 - Red Rock Meadows

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 7, Block 1; Lots 1 thru 9, Block 2; Lots 1 thru 49, Block 3; Lots 1 thru 19, Block 4; Lots 1 thru 31, Block 5; Lots 1 thru 2, Block 6; Lots 1 thru 2, Block 7; Lot 1, Block 8; dedicated streets and drainage lot all located in Section 28 and Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NW1/4 NW1/4, SW1/4 NW1/4, and NE1/4 SW ¼ of Section 28 and the NE1/4 SE1/4, SE1/4 NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Approximately 1/4 mile north of the intersection of Dunsmore Road and Sheridan Lake Road.

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

Curt Solay, Attorney at Law for Salador Ranches, Inc., expressed concerns with access, property, and the realignment of the collector street.

Doug Sperlich, Sperlich Consulting, stated that his client objects to the vacation of the section line highway and added that in his opinion a more direct route could be constructed to his client's property.

Kevin Buntrock, applicant, stated that he was not opposed to a continuance to allow him time to talk with Salador Ranches, Inc. regarding legal access to their property.

Anderson moved, seconded by Fast Wolf and unanimously carried to recommend that the Preliminary Plat be continued to the January 6, 2005 Planning Commission meeting.

63A. No. 04TP034 - 2005-2009 Transportation Improvement Program Amendment #05-002

Schmidt moved, seconded by LeMay and unanimously carried to recommend that the Transportation Improvement Program Amendment #05-002 be approved. (8-0 vote with Nash, Brown, Schmidt, Prairie Chicken, Hadcock, Fast Wolf, LeMay, and Anderson all voting yes and none voting no)

64. Discussion Items

A. Land Use Plan Adoption Process - Patricia K. Hahn

Patricia K. Hahn, 1105 Regency Court, reviewed her letter to the Planning Commission proposing changes to the Land Use Plan Adoption process.

Nash thanked Hahn for her input. Discussion followed concerning a planning meeting or a work session to discuss the issue. Nash suggested that the Planning Commission direct staff to review Hahns proposal at the next Future Land Use Committee and to provide a recommendation at the January 20, 2005 Planning Commission meeting.

Planning Commissioners concurred with Nash.

Gary brown left at 8:20.

65. Staff Items

66. Planning Commission Items

Nash and Fast Wolf agreed to switch City Council 2004 duty for the December 20 and January 17, 2005 City Council meeting. In response to a question by Schmidt, Elkins advised that the Mayor has not appointed a new Planning Commission member or Zoning Board of Adjustment member.

67. Committee Reports

There being no further business Rodriguez moved, Brown seconded and unanimously carried to adjourn the meeting at 8:35 a.m. (9-0 vote with Nash, Brown, Schmidt, Fast Wolf, Anderson, Haddock, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)