

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 6, 2005

MEMBERS PRESENT: Peter Anderson, Gary Brown, Ida Fast Wolf, Debra Hadcock, Mike Lemay, 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, Bill Knight, Dave Johnson, Joel Landeen, Todd Tucker, and Michelle Prichard.

Chairperson Brown called the meeting to order at 7:09 a.m.

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

Elkins requested that Items 1 and 11 be removed for separate consideration.

Schmidt moved, Hadcock seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 21 in accordance with the staff recommendations with the exception of Items 1 and 11. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. No. 04AN009 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider a Petition for Annexation on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the January 27, 2005 Planning Commission meeting.

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

A request by Dream Design International Inc. to consider a Petition for Annexation on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the January 27, 2005 Planning Commission meeting.

4. No. 04PL097 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a Layout Plat on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and

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

Planning Commission recommended that the Layout Plat be continued to the January 27, 2005 Planning Commission meeting at the applicant's request.

5. No. 04PL184 - Lazy P-6 Subdivision

A request by Centerline for Lazy P-6 Land Co. Inc. to consider an application for a Preliminary Plat on Lots 1 thru 53 all located in N1/2, NW1/4, NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2, NW1/4, NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Dr and north of Catron Boulevard.

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

1. **Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed;**
4. **Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an interim lift station, shown to be located directly south of the subject property, is to serve the property then a utility easement shall be secured for the Lift Station and subsequent sewer line(s). In addition, the Lift Station shall be designed for future gravity flow into the Elm Street Sanitary Sewer and the Lift Station shall be eliminated at the time of construction of the Sanitary Sewer within the Elm Street right-of-way. The sewer construction plans shall also show the sanitary sewer for Elm Avenue in the Elm Avenue right-of-way;**
5. **Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of the Palo Verde Water Zone to serve the subject property;**
6. **Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the right-of-way for Parkview Drive located on the adjacent property(s) or the west half of**

- the right-of-way shall be dedicated as a part of a separate platting proposal or a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way for Parkview Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of the Preliminary Plat, the plat document shall be revised to include the eastern 98 feet of the parcel or a Variance to the Subdivision Regulations shall be obtained to allow the property to be subdivided in a manner which omits part of the original tract to avoid street, drainage or other required infrastructure improvements;
 8. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the east half of the right-of-way for Elm Avenue located on an adjacent property(s) or the east half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Elm Avenue shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
 9. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Elm Avenue showing the street located in a minimum 100 foot wide right-of-way and 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;
 10. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Topaz Lane showing the street 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. If the applicant is proposing to construct a minimum 28 foot wide paved surface within a 49 foot wide right-of-way then the plans shall demonstrate that the additional paved surface does not interfere with the balance of the improvements within the right-of-way and an Exception to the Street Design Criteria Manual shall be obtained;
 11. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Sandra Lane and Sapphire Lane showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. If the applicant is proposing to construct a minimum 31 foot wide paved surface within a 52 foot wide right-of-way then the plans shall demonstrate that the additional paved surface does not interfere with the balance of the improvements within the right-of-way and an Exception to the Street Design Criteria Manual shall be obtained;
 12. Upon submittal of a Preliminary Plat, road construction plans for the section line highways 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, sidewalk,

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(s) shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;

- 13. Upon submittal of the Preliminary Plat, 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;**
- 14. Prior to Preliminary Plat approval by the City Council, the applicant shall bring forward a request to the City Council to determine the entity responsible for construction and operation of the proposed sanitary sewer lift station if the station is needed to serve the subject property;**
- 15. Prior to submittal of a Final Plat application, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
- 16. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 17. 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. 04PL185 - Owen Hibbard

A request by Black Hills Surveying to consider an application for a Preliminary Plat on Lots 4 and 5 of Owen Hibbard Subdivision Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2, SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission recommended that the Preliminary Plat be continued to the January 27, 2005 Planning Commission Meeting to allow the applicant to submit the required information.

7. No. 04PL186 - Trailwood Subdivision

A request by Sperlich Consulting, Inc. to consider an application for a Preliminary Plat on Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4, of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, on property described by metes and bounds commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve;

thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less., more generally described as being located at the corner of SD State Highway 44 and Covington Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for S. D. Highway 44. In particular, the road construction plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Avery Street. In particular, the road construction plans shall show the street constructed with pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Covington Street. In particular, the road construction plans shall show the street constructed with sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, subdivision improvement plans shall be revised to address redlined comments and submitted for further review and approval. In addition, the redlined drawings shall be returned to the Growth Management staff;**
- 5. Prior to Preliminary Plat approval by the City Council, provide evidence that the necessary Easements for downstream off-site**

6. **drainage facilities have been recorded at the Register of Deeds office; Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
7. **Prior to submittal of a Final Plat application, drainage improvements shall be in place. In particular, temporary and permanent stabilization of surfaces to prevent sediment washing into streets and off the property;**
8. **Upon submittal of a Final Plat application, a Road Maintenance Agreement for the Public Access Easement, Avery Street, shall be submitted for review and approval;**
9. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
10. **Upon submittal of a Final Plat application, the plat document shall be revised to show a drainage easement along the north side of Avery Drive and a minimum 50 foot wide access restriction on both sides of Avery Drive, the Public Access Easement, at the corner of Covington Street.**

8. No. 04PL188 - Hall Subdivision

A request by Rhonda Haskell to consider an application for a **Preliminary Plat** on Lots 40R and 41 R, Block 6, Hall Subdivision, legally described as W1/2 Lot 38, all of Lots 29 thru 41, Block 6, Hall Subdivision located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Hall Street.

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

1. **Prior to Preliminary Plat approval by the City Council, the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved or the plat document be revised;**
2. **Prior to Preliminary Plat approval by the City Council, the Flood Report and Flood Plan shall be revised using the actual existing flow calculations and resubmitted for review and approval; and,**
3. **Prior to submittal of the Final Plat application, the plat document shall be revised to show floodway boundaries and any necessary drainage easements.**

9. No. 04PL190 – Menard Subdivision

A request by Wasteline, Inc. for Century Resources to consider an application for a Preliminary Plat on Lot 4 of Block 1, and Lots 1 thru 3 of Block 2, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 32, T2N, R8E BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1705 E Anamosa Street.

Planning Commission recommended that the Preliminary Plat be approved with stipulations.

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
- 2. Prior to Preliminary Plat approval by the City Council, geotechnical information for pavement and grading design shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, an enlarged grading plan shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised eliminating parking along Creek Drive;**
- 5. Prior to Preliminary Plat approval by the City Council, additional drainage information with calculations to demonstrate the correct pipe sizing, slopes, lengths, etc. shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 6. Prior to Preliminary Plat approval by the City Council, a permit from the South Dakota Department of Transportation to work in the right-of-way for work already completed shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, the V-ditch now in place shall be modified to a 15 foot flat bottom ditch;**
- 8. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide a structure to drain the ditch created by the extension of the 30 inch cross pipe located along East North Street;**
- 9. Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval. In particular, the water plans shall show the waterline encasement where it crosses the storm sewer. In addition, the plans shall show curb stops, valve boxes and the dimension and location of the water line. A minimum six foot cover shall also be provided;**
- 10. Prior to Preliminary Plat approval by the City Council, revised sewer plans shall be submitted for review and approval. In particular, the sewer plans shall show the terminal riser on the end of the sanitary sewer and the manholes on the profile with rim and invert elevations. In addition, the plat document shall be revised to show a utility easement for the future connection to a sanitary sewer main extending off East Anamosa Street;**
- 11. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the construction of Creek Drive does not interfere with the Black Hills Power existing switching module location;**
- 12. All Uniform Fire Code shall be continually met;**
- 13. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Creek Drive except for approved approach location(s). In addition, a non-access easement shall be shown along all of East Anamosa Street; and,**

14. **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.**

10. No. 04PL191 - Potts Subdivision

A request by Fisk Land Survey & Consulting Engineers for Donald Potts to consider an application for a Preliminary Plat on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, drainage calculations consistent with the Arrowhead Drainage Basin Plan shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, if individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, if a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
5. **Prior to issuance of a Building Permit, supplemental tap fees shall be paid;**
6. **Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;**
7. **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";**
8. **Upon submittal of a Final Plat application, a Road Maintenance Agreement for the Future Right-of-way Easement, Covenant Drive shall be submitted for review and approval;**
9. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
10. **Upon submittal of a Final Plat application, the property shall be**

rezoned to allow the minimum lot size requested or a zoning variance shall be obtained.

12. No. 04PL193 – Cavern Crest Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the January 27, 2005 Planning Commission Meeting to allow the applicant to submit additional information.

13. No. 04PL196 - Spring Brook Acres

A request by Davis Engineering, Inc. for Don and Cherril Brown to consider an application for a Preliminary Plat on Lot 1 thru 5 of Tract SB revised, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4, NE1/4, and NW1/4, SE1/4, and SE1/4, NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Estates Drive.

Planning Commission recommended that the Preliminary Plat be continued to the February 10, 2005 Planning Commission meeting at the applicant's request.

14. No. 04PL197 - Auburn Hills

A request by Sperlich Consulting, Inc. for Doeck LLC/Joe Muth to consider an application for a Preliminary Plat on Lots 27 thru 55, Block 3, Lots 6 thru 11 Block 4, Lots 22 thru 32 Block 8, Auburn Hills Subdivision, a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the N1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the N1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Auburn Drive and Charm Wood Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall obtain approval from the City Council for any oversizing costs of the 14 inch water main, if City payment of the oversize cost is requested;**
3. **Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show the sewer main located in Indigo Court right-of-way;**
4. **Prior to Preliminary Plat approval by the City Council, the applicant**

shall provide documentation demonstrating maintenance for the channel by homeowners or other private entities, or the drainage plans must be revised to incorporate measures to reduce maintenance requirements and facilitate maintenance access to all areas;

5. All Uniform Fire Code shall be continually met;
6. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,
7. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

15. No. 04PL198 - Kateland Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Preliminary Plat** on Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lot 1 of Block 4, and Lots 1-11 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways shown as Nace Court, Earleen Court, Roberta Street, Kateland Street and Country Road located in the SW1/4 of Section 13 and the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Mallridge Subdivision.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;
2. Prior to Preliminary Plat approval by the City Council, the road construction plans for Country Road shall be revised to provide a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised for Country Road, Kateland Street and Roberta Street to provide a temporary turnaround at the end of the three streets or an Exception shall be obtained from the Street Design Criteria Manual;
4. Prior to Preliminary Plat approval by the City Council, drainage easements on adjacent properties as needed shall be recorded at the Register of Deed's Office;
5. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
6. All Uniform Fire Code shall be continually met;
7. Prior to submittal of the Final Plat application, the plat shall be revised to show a non-access easement along the first fifty feet of Lot 1, Block 5 along Earleen Street as it extends north from Country

Road and Lot 1, Block along Kateland Street as it extends north from Country Road;

8. Prior to submittal of the Final Plat application, the plat title shall be revised deleting from the “formerly” in the plat heading the following: “located in the SE1/4 of the SW1/4, of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota”; and,
9. 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.

16. No. 04SE005 - Section 5, T1N, R8E

A request by Dean Kurtz Construction Company for Dakota Hills Veterinary Clinic to consider an application for an **Exception to the Street Design Criteria Manual Section 8.2.1 and 8.2.3 for approach corner clearance from a driveway to a street intersection and driveway approach openings** on Lot A of Lot 3 of B of the SE1/4 of the NW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Centre Street.

Planning Commission recommended that the Exception to the Street Design Criteria Manual Section 8.2.1 and 8.2.3 for approach corner clearance from a driveway to a street intersection and driveway approach openings be approved with the following stipulation:

1. Prior to a Building Permit being issued, the approach corner clearance from the driveway to a street intersection shall be revised to provide a minimum fifty feet of clearance.

17. No. 04SR063 - Original Township Rapid City

A request by Thurston Design Group, LLC for Rapid City Arts Council to consider an application for an **11-6-19 SDCL Review to expand a public building** on Lots 1 thru 5, N1/2 of adjacent vacated alley and E1/2 of Lot 26, all of lots 27 thru 32, S1/2 of adjacent vacated alley all located in NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Planning Commission approved the 11-6-19 SDCL Review to expand a public building with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. A Historic Preservation 11-1 Permit shall be obtained prior to any construction on the building(s);
3. Prior to issuance of a building permit, the applicant shall coordinate with the private utilities and the City to relocate and/or or provide the necessary casings for the utilities currently located in the vacated alley;
4. Prior to issuance of a building permit, the applicant shall enter into a developmental lot agreement;
5. Prior to issuance of a building permit, a traffic control plan shall be submitted for review and approval;

6. Prior to construction of the proposed canopies, the applicant shall obtain approval from the City Council to allow the canopies to encroach into the right-of-way or the right-of-way shall be vacated;
 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the SDCL 11-6-19 Review. In addition, a sign permit shall be obtained for any new construction or placement of signs on the property. Off-premise signs and/or temporary signs shall not be allowed;
 8. Any lighting shall be constructed and maintained in accordance with the City of Rapid City Municipal Code;
 9. The building(s) shall comply with the International Fire Code. In particular, the building shall be sprinklered. In addition, a separate building permit shall be obtained for the sprinkler system. Emergency vehicle access shall also be maintained at the site at all times; and,
 10. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this SDCL 11-6-19 Review;
 11. The structure shall be used as an art center with accessory uses that may include classes, business and professional offices, a theater and a gallery. Any expansion and/or additional use(s) shall require a new SDCL 11-6-19 Review.
18. No. 04SR069 - Lazy P-6 Subdivision
A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **SDCL 11-6-19 Review to construct a street in a section line highway and to extend public utilities** on Government Lots 1 and 2 less Lot 1, North 80 subdivision and less Lot H2 of Government Lot 2 and less right-of-way all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive and north of Catron Boulevard.
- Planning Commission approved the SDCL 11-6-19 Review to construct a street in a section line highway and to extend public utilities with the following stipulations:**
1. That Parkview Drive shall be constructed in compliance with the approved construction plans; and,
 2. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre.
19. No. 04VE023 - Nowlin & Wood Addition Subdivision
A request by Fisk Land Surveying & Consulting Engineers to consider an application for a **Vacation of note on Plat** on the N318.90' of Lot 16 of the Replat of Block 31 of Nowlin & Wood Addition, excepting there from Lots H1, H2, and H3, N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N318.90' of Lot 16 of the Replat of Block 31 of Nowlin & Wood Addition, excepting there from Lots H1, H2, and H3, N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection

south of East Anamosa St. and west of North LaCrosse Street.

Planning Commission recommended that the Vacation of Note on Plat be approved.

20. No. 04VR011 - Millard Addition

A request by Lyle Henriksen for Chase & Company, LPI to consider an application for a **Vacation of Right-of-Way** on 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 the intersection of Greenway Street between Holcomb Avenue and North Maple Avenue.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the January 27, 2005 Planning Commission meeting.

21. No. 04VR013 - Potts Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Donal Potts to consider an application for a Vacation of a portion of undeveloped section line right-of-way on Lots 1 and 2 of Potts Subdivision, legally described as the SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Planning Commission recommended that the Vacation of a portion of undeveloped section line right-of-way be continued to the January 27, 2005 Planning Commission Meeting at the applicant's request.

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

1. Approval of the December 9, 2004 Planning Commission meeting minutes.

Schmidt moved, Hadcock seconded and unanimously carried to continue the approval of the December 9, 2004 Planning Commission minutes to the January 27, 2005 Planning Commission meeting to allow staff to make corrections. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

11. No. 04PL192 - Fairway Hills Subdivision

A request by Fisk Land Surveying & Consulting Engineers to consider an application for a **Preliminary Plat** on Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development, legally described as a tract of land located in the North One-Half of the Southwest One-Quarter (N ½ SW ¼) and in the Southwest One Quarter of the Northwest One-Quarter (SW ¼ NW ¼) of Section Fifteen (15), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with

survey cap number 3095; thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, South 16 degrees 50 minutes 14 seconds West, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17 degrees, 55 minutes, 27 seconds, an arc length of 30.30 feet, a chord bearing of South 25 degrees 58 minutes 25 seconds West, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, South 34 degrees 46 minutes 00 seconds West, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91 degrees 35 minutes 13 seconds, an arc length of 241.55 feet, a chord bearing of South 80 degrees 36 minutes 45 seconds West, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, North 53 degrees 37 minutes 38 seconds West, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4 degrees, 41 minutes 57 seconds, an arc length of 18.86 feet, a chord bearing of North 56 degrees 09 minutes 17 seconds West, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, a chord bearing of North 66 degrees 39 minutes 30 seconds West, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East,

more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 25 degrees 09 minutes 50 seconds West, more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 17 degrees 55 minutes 58 seconds East, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 20 degrees 01 minutes 18 seconds West, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, North 57 degrees 02 minutes 43 seconds East, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 22 degrees 24 minutes 27 seconds East, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 40 degrees 29 minutes 56 seconds East, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly

along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, South 08 degrees 05 minutes 24 seconds East, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, North 76 degrees 46 minutes 01 seconds East, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 76 degrees 42 minutes 20 seconds East, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 87 degrees 22 minutes 22 seconds East, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, more generally described as being located west of Fairway Hills Dr. and east of Sheridan Lake Road.

Fisher presented the request and noted that subsequent to the writing of the staff report, staff and the applicant have addressed a number of outstanding concerns. Fisher reviewed agreements reached with the applicant concerning water connections and distributed staff's recommendation for approval of the Preliminary Plat with four stipulations.

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

- 1. Prior to Preliminary Plat approval by the City Council, water plans shall be submitted for review and approval. In particular, the plans shall show domestic service from the eight inch high pressure water main located in Fairway Hills Drive and fire hydrant service connections to the 16 inch low pressure water main located west of the subject property;**
- 2. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive;**
- 3. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,**
- 4. 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 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Brown announced that the Public Hearings on Items 22 through 46 were opened.

Staff requested that Item 22, 23, 25, 29, and 42 be removed from the Hearing Items Consent Calendar for separate consideration.

Members of the audience requested that Items 25, 29, 35, 42, and 44 be removed from the Hearing Items Consent Calendar for separate consideration.

Anderson moved, Hadcock seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 22 through 46 in accordance with the staff recommendations with the exception of Items 22, 23, 25, 29, 35, 42 and 44. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

The Public Hearings for Items 22 through 46 were closed.

24. No. 04CA063 - Section 35, T2N, R7E

Summary of Adoption Action - Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Plan from a Planned Residential Development with one dwelling unit per three acres to Office Commercial with a Planned Development Designation on the north 750 feet of the W1/2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago Street.

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

26. No. 04CA066 - Feigel Subdivision

A request by Don Wrede-TSP for Rob Poeppel to consider an application for an Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Area Future Land Use Plan on a 2.56 acre parcel of land from Light Industrial to Medium Density Residential with a Planned Residential Development on all that portion of Block 4 of Feigel Subdivision, located in the NE1/4, SE1/4 of Section 31, T2N, R8E, BHM, Pennington County, Rapid City, South Dakota more legally described as commencing at the southwest corner of Lot 2, Block 4 of Feigel Subdivision; thence S89° 58'42" W along the south boundary of Block 4 a distance of 250 feet; thence N00° 00'01" W a distance of 290.17 feet; thence N 89° 57'41"E parallel with the north boundary of Block 4, a distance of 249.65 feet; thence S00°00'01"E along the west boundary of Lots 1 and 2, Block 4 of Feigel Subdivision, a distance of 290.14 feet to the point of beginning, legally described as all that portion of Block 4 of Feigel Subdivision, located in the NE1/4, SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown by the plat of record, more particularly described as follows: commencing at the southwest corner of Lot 2, Block 4 of Feigel Subdivision; thence S89°58'42"W along the south boundary of Block 4 a distance of 250 feet; thence N00°00'01" W a distance of 290.17 feet; thence N89°57'41"E parallel with the north boundary of

Block 4, a distance of 249.65 feet; thence S00°00'01"E along the west boundary of Lots 1 and 2, Block 4 of Feigel Subdivision, a distance of 290.14 feet to the point of beginning, more generally described as being located at 900 E. Watertown Street.

Planning Commission recommended that the Comprehensive Plan Amendment to the North Rapid Neighborhood Area Future Land Use Plan for a 2.56 acre parcel of land from Light Industrial to Medium Density Residential with a Planned Residential Development be approved.

*27. No. 04PD081 - Feigel Subdivision

A request by Don Wrede-TSP for Rob Poeppel to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a portion of Block 4 of Feigel Subdivision, located in the NE1/4, SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown by the plat of record, more particularly described as follows: commencing at the southwest corner of Lot 2, Block 4 of Feigel Subdivision; Thence S89°58'42"W along the south boundary of Block 4 a distance of 250 feet; Thence N00°00'01"W a distance of 290.17 feet; Thence N89°57'41"E parallel with the north boundary of Block 4, a distance of 249.65 feet; Thence S00°00'01"E along the west boundary of Lots 1 and 2, Block 4 of Feigel Subdivision, a distance of 290.14 feet to the Point of Beginning, said parcel containing 1.66 acres more or less, more generally described as being located at 900 E Watertown.

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

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 32 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 buildings;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. Upon submittal of a Final Development Plan, structural elevations and a list of the building materials for the proposed structures shall be submitted for review and approval;
5. If any on-site signage is proposed, a sign package shall be submitted upon submittal of a Final Residential Development Plan;
6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;
7. Upon submittal of a Final Development Plan, a revised site plan shall be submitted showing a minimum of three handicapped parking stalls with one being a "van accessible" stall as per Section 17.50.270 of the Rapid City Municipal Code;
8. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
9. The proposed structures must be fully fire sprinkled and alarmed;
10. All applicable provisions of the International Fire Code shall be continually met;

11. Upon submittal of a Final Development Plan, final grading and drainage plans shall be submitted. In addition, the final grading and drainage plan shall show drainage arrows and a sediment and erosion control plan;
12. Prior to any utility construction in the public right-of-way a Right to Work Permit shall be obtained;
13. Construction plans for all site improvements, including all public or private water mains, sewer mains, storm sewers, or sidewalks along the frontage of East Watertown Street shall be submitted for review and approval upon submittal of a Final Development Plan;
14. Upon submittal of a Final Development Plan, the site plan shall be revised to show the driveway to have a maximum width of 24 feet. In addition, a Right to Work Permit shall be obtained prior to any driveway construction located within the public right-of-way;
15. The proposed structures 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.

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.

28. No. 04RZ062 – Feigel Subdivision

A request by Don Wrede-TSP for Rob Poeppel to consider an application for a **Rezoning from Light Industrial District to Medium Density Residential District** on that portion of Block 4 of Feigel Subdivision located in the NE1/4 SE1/4 of Section 31, T2N, R8E, BHM, Pennington County, Rapid City, South Dakota, as shown by the plat of record, more particularly described as follows: commencing at the southwest corner of Lot 2, Block 4 of Feigel Subdivision; thence S89°58'42"W along the south boundary of Block 4 a distance of 250 feet; thence N00°00'01"W a distance of 290.17 feet; thence N89°57'41"E parallel with the north boundary of Block 4, a distance of 249.65 feet; thence S00°00'01"E along the west boundary of Lots 1 and 2, Block 4 of Feigel Subdivision, a distance of 290.14 feet to the Point of Beginning, said parcel containing 1.66 acres more or less, more generally described as being located at 900 E Watertown Street.

Planning Commission recommended that the Rezoning from Light Industrial District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and Planned Residential Development – Initial Development Plan.

*30. No. 04PD074 - Auburn Hills Subdivision

A request by Select Construction, Inc. to consider an application for a **Planned**

Residential Development - Initial and Final Development Plan on Lot 5, Block 5, Auburn Hills Subdivision, located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Coal Bank Drive.

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

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of six 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. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. Prior to Planning Commission approval, the drainage and grading plan shall be revised to show all grading and silt fences located on the subject property or provide documentation that construction easements have been signed by all affected property owners;
7. Prior to Planning Commission approval, a revised site plan shall be submitted showing the size of the water and wastewater service lines on the subject property;
8. Address numbers shall be posted on-site so as to be readily seen from the street or parking lot;
9. All applicable provisions of the International Fire Code shall be continually met;
10. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
11. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

*31. No. 04PD077 - Auburn Hills Subdivision

A request by Joe Muth to consider an application for a **Planned Residential Development - Initial and Final to allow the construction of a tri-plex** on Lot 2, Block 7, Auburn Hills Subdivision, located in the NW1/4 of the SW1/4 BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Auburn Hills Drive and west of Coal Bank Drive.

Planning Commission approved the Planned Residential Development - Initial and Final to allow the construction of a tri-plex with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of three 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. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. Prior to issuance of a Building Permit, the applicant shall submit a sediment and erosion control plan for review and approval;
7. If the minimum required fire flow cannot be achieved than the proposed structure shall be fully fire sprinkled and alarmed;
8. Address numbers shall be posted on-site so as to be readily seen from the street or parking lot;
9. All applicable provisions of the International Fire Code shall be continually met;
10. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
11. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

***32. No. 04PD078 - Auburn Hills Subdivision**

A request by Joe Muth to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow the construction of a multi-family dwelling unit** on Lot 1, Block 7, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Auburn Hills Drive and west of Coal Bank Drive.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan to allow the construction of an multi-family residence with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum 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 the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. Prior to issuance of a Building Permit, the site plan shall be revised to show the proposed street light located adjacent to the proposed driveway approach;
5. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;
7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
8. Complete grading of the channel located within the major drainage easement shall be completed with building construction;
9. Prior to issuance of a Building Permit, the applicant shall submit a sediment and erosion control plan;
10. If the minimum required fire flow cannot be achieved than the proposed structure must be fully fire sprinkled and alarmed;
11. Address numbers shall be posted on-site so as to be readily seen from the street or parking lot;
12. All applicable provisions of the International Fire Code shall be continually met;
13. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
14. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

***33. 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.

Planning Commission continued the Major Amendment to a Planned Residential Development to the February 10, 2005 Planning Commission meeting.

*34. No. 04PD080 - Fairway Hills Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Mike Buckingham, Dlorah Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on a tract of land located in the N½ SW¼ and in the SW¼ NW¼ of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; Thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, S16°50'14"W, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17°55'27", an arc length of 30.30 feet, a chord bearing of S25°58'25"W, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, S34°46'00" W, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91°35'13", an arc length of 241.55 feet, a chord bearing of S80°36'45" W, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, N53°37'38", W more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4°41'57", an arc length of 18.86 feet, a chord bearing of N56°09'17" W, more or less, and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16°30'34", an arc length of 66.27 feet, a chord bearing of N66°39'30" W, more or less, and a chord distance of 66.04 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, N14°38'21" E, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with

the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, N14°38'21" E, more or less, a distance of 83.44 feet, more or less, to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, N25°09'50" W, more or less, a distance of 132.38 feet, more or less, to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD, and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in Plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17, on Page 132, said corner being marked by a rebar with survey cap number 1019; Thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, N17°55'58" E, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, N20°01'18" W, more or less, a distance of 326.69 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD, as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, N57°02'43" E, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215, said corner being marked by a rebar with survey cap number 6565; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S22°24'27" E, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S40°29'56" E, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southerly line of said Lot 2 of Fairway Hills PRD, S76°54'53" E, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD, and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on Page 124, said point being marked by a rebar with survey cap number 1019;

Thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD, and along the westerly line of said Lot 30 of Fairway Hills PRD, S08°05'24" E, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; Thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, N76°46'01" E, more or less, a distance of 105.59 feet, more or less, to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Plat Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N76°42'20" E, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N87°22'22" E, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, more generally described as being located along Fairway Hills Drive and Sheridan Lake Road.

Planning Commission continued the Major Amendment to the Fairway Hills Planned Residential Development Plan to the January 27, 2005 Planning Commission meeting to allow the applicant to submit additional information.

*36. No. 04PD076 - Eastridge Estates

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the NW1/4 NE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Enchantment Road.

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

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of six 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 buildings;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. Upon submittal of a Final Development Plan, structural elevations and a list of the building materials for the proposed structures shall be submitted for review and approval;
5. All applicable provisions of the International Fire Code shall be continually met;
6. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
7. The Planned Residential Development shall expire if the use is not

undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

37. No. 04RZ060 - Eastridge Estates

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the NW1/4 NE1/4 Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Enchantment Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the associated Planned Residential Development – Initial Development Plan.

38. No. 04RZ061 - Eastridge Estates

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the W1/2 NE1/4 and E1/2 NW1/4 Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Enchantment Dr. and south of Enchanted Pines Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the associated Planned Residential Development – Initial Development Plan.

*39. No. 04PD079 - Kateland Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Planned Residential Development - Final Development Plan** on a tract of land located in the SE1/4 of SW1/4 of Section 13, and in the NE1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 1" pipe marking the west 1/16 corner along the south section line of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N00°11'23"E a distance of 33.00', more or less, to a point; Thence S89°50'11"E a distance of 157.00', more or less, to a point; Thence N45°09'49"E a distance of 11.31', more or less, to a point; Thence N00°09'49"E a distance of 90.00', more or less, to a point; Thence on a curve to the right with a Chord bearing of N18°38'12"E a Chord distance of 79.85', a radius of 126.00' and an arc length of 81.25', more or less, to a point; Thence N52°53'26"W a distance of 19.61', more or less, to a point; Thence N00°09'49"E a distance of 131.63', more or less, to a point; Thence S89°41'23"E a distance of 936.00', more or less, to a point; Thence S00°09'49"W a distance of

380.90', more or less, to a point; Thence N89°47'53"W a distance of 286.16', more or less, to a point; said point being a 5/8" rebar marking the northeast corner of Lot 12 of Block 1 of Mallridge Subdivision No. 2; Thence N89°51'52"W a distance of 374.71', more or less, to a point; Said point being a 5/8" rebar marking the northeast corner of Lot 7 of Block 1 of Mallridge Subdivision No. 2; Thence N89°49'06"W a distance of 449.80, more or less, to a point; said point being a 2" pipe with survey cap LS880 marking the northwest corner of Lot 16 of Mallridge Subdivision No. 2; Thence N00°11'52"E a distance of 33.00', more or less, to the point of beginning. Said area includes 8.496 acres, more or less, more generally described as being located west of Haines Avenue and north of Mallridge Subdivision.

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

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;
4. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
5. A minimum six (6) foot side yard setback shall be provided;
6. A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes located on Lots 1 thru 11, Block 5 shall be one story structures only or a 25 foot rear yard setback shall be provided;
7. A minimum lot size of 4,800 square feet shall be provided;
8. A maximum 35% lot coverage shall be allowed;
9. All Uniform Fire Codes shall be met;
10. Prior to issuance of a building permit, all drainage channels or facilities as identified in the drainage plan for the subdivision to be installed on or adjacent to the parcel, shall be constructed;
11. Prior to Planning Commission approval, covenants or some other mechanism shall be submitted for review and approval to insure that the development will provide affordable housing as proposed and that the housing will remain affordable. In addition, the covenants shall be recorded at the Register of Deed's Office in conjunction with a Final Plat;
12. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Final Planned Residential Development; and,
13. The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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

40. No. 04SV076 - Kateland Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Mallridge Subdivision.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **That a sidewalk be constructed along the north side of Country Road.**

41. No. 04RZ037 - Hyland Park Subdivision

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

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the January 27, 2005 Planning Commission meeting.

43. No. 04RZ059 - Menard Subdivision

A request by Nathan Barton for Century Resources to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on property located in the NE1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds beginning at Point A, a point halfway between the Center of the section and the West quarter-corner of Section 32, T2N, R8E, BHM, Pennington County, SD: Course the first: A distance of 620.12 feet S89°42'55"E, thence Course the second: A distance of 249.26 feet S45°21'03" W, thence Course the third: A distance of 97.94 feet S45°21'03"W, thence Course the fourth: A distance of 115.86 feet N44°38'57"W, thence Course the fifth: A distance of 75.20 feet (arc) with a radius of 240.00 feet at an included angle of 17°57'14" (and with a chord of 74.96 feet S08°58'37"W), thence Course the sixth: A distance of 377.30 feet S00°00'00"W, thence Course the seventh: A distance of 280.00 feet S90°00'00"W, thence Course the eighth: A distance of 518.58 feet N00°15'40"E,

thence Course the ninth: A distance of 97.36 feet N00°00'00"E, to the Point of Beginning (Point A), EXCEPT: That portion of the parcel to be included in Lot 4 of Block 1, Menards Subdivision, more particularly described as: Beginning at Point B, 418.18 feet S89°42'55"E of Point A above, Course the first: A distance of 202.35 feet S89°42'55"E, thence Course the second: A distance of 249.26 feet S45°21'03"W, thence Course the third: A distance of 97.94 feet S45°21'03"W, thence Course the fourth: A distance of 115.86 feet N44°38'57"W, thence Course the fifth: A distance of 102.25 feet (arc) with a radius of 240.00 feet at an included angle of 24°26'03" (and with a chord of 101.58 feet N30°10'15"E), thence Course the sixth: A distance of 105.92 feet N45°06'20"E, to the point of beginning (Point B); and property located in the S1/2 NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota described by metes and bounds beginning at Point A, a point halfway between the Center of the Section and the West quarter-corner of Section 32, T2N, R8E, BHM, Pennington County, SD: Course the first: A distance of 192.51 feet N89°42'55"W, thence Course the second: A distance of 407.48 feet N49°12'20"E, thence Course the third: A distance of 180.58 feet N49°12'20"E, thence Course the fourth: A distance of 134.60 feet S73°03'09"E, thence Course the fifth: A distance of 187.83 feet S44°45'07"E, thence Course the sixth: A distance of 21.23 feet S00°25'07"W, thence Course the seventh: A distance of 60.03 feet S44°39'53"E, thence Course the eighth: A distance of 21.15 feet S89°50'22"E, thence Course the ninth: A distance of 55.09 feet S44°38'49"E, thence Course the tenth: A distance of 83.19 feet S45°58'34"E, thence Course the eleventh: A distance of 79.08 feet S45°21'03"W, thence Course the twelfth: A distance of 620.12 feet N89°42'55"W, to the Point of Beginning (Point A), EXCEPT: That portion of the parcel to be included in Lot 4 of Block 1, Menards Subdivision, more particularly described as: Beginning at Point B 418.18 feet S89°42'55"E of Point A above, Course the first: A distance of 202.35 feet S89°42'55"E, thence Course the second: A distance of 79.08 feet N45°21'03"E, thence Course the third: A distance of 83.19 feet N45°58'34"W, thence Course the fourth: A distance of 55.09 feet N44°38'49"W, thence Course the fifth: A distance of 7.91 feet N89°50'22"W, thence Course the sixth: A distance of 214.80 feet S45°06'20"W, to the point of beginning (Point B), more generally described as being located at 1705 East Anamosa Street.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved.

45. No. 04SV074 - Hall Subdivision

A request by Rhonda F. Haskell to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 Lot 38, all of Lots 29 thru 41, Block 6, Hall Subdivision located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Hall Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved.

46. No. 04SV075 - Trailwood Subdivision

A request by Sperlich Consulting, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install the sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4, of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, on property described by metes and bounds commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less., more generally described as being located at the intersection of SD State Highway 44 and Covington Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on S. D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code be approved 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, and sidewalk along South Dakota Highway 44 as it abuts the subject property.**

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 22 and 23 be considered concurrently.

22. No. 04CA029 - Hyland Park Subdivision

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

23. No. 04SV042 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Fisher requested that the staff recommendations on Items 22 and 23 be corrected show continuation to the January 27, 2005 Planning Commission meeting.

Schmidt moved, Hadcock seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan (04CA029) the Variance to the Subdivision Regulations (04SV042), and the Exception to the Street Design Criteria Manual be continued to the January 27, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

Tucker requested that Items 25, 29 and 42 be considered concurrently.

25. 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 that part of 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 ½" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a ½" 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.

*29. 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 ½" 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 ½" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a ½" 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.

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

A request by FMG Engineering for F&A Properties to consider an application for a **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 ½" 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 ½" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a ½" 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 requests noting that these items were continued from the December 9, 2004 Planning Commission meeting to allow the applicant to meet with area property owners and present the proposed development plan. Tucker noted that the President of the Lakota Homeowners Association attended the meeting held at the Mother Butler Center and is present in the audience. Tucker stated staff's recommendations for approval of the three applications.

Hazel Bonner stated that she is the registered agent and on the Board of

Directors for Oyate Okiciyapi - People Helping Each Other. Bonner stated that she believes the Sioux Addition is federal trust land noting that it is a separate community from Lakota Homes. Bonner expressed concern that the access roads that will need to be constructed to access the proposed Planned Development will have a significant impact on Sioux Addition and Lakota Homes.

Mary Wright, Sioux Addition resident, expressed concern that there are a number of children that will be using a school bus stop near the proposed development. Wright expressed concern that proposed development would cause a taking of her property within Sioux Addition.

In response to a question from Prairie Chicken, Landeen stated that the property under review is not part of the Sioux Addition and would not be affected by the ownership status of Sioux Addition.

Fast Wolf advised that she contacted approximately 30 people living along Teton Street yesterday concerning the proposed development noting that only one person she spoke with objected to the proposed development. Fast Wolf described the information as presented by the applicant and noted staff's recommended stipulations of approval.

In response to a question from Anderson, Tom Rau stated that he represents the owners of the property, Eldeen Henderson, Larry Henderson, Gale Bund and David Henderson noting that the property has been under the family ownership for quite some time.

Nate Schumaker, Board of Directors of Lakota Community Homes, stated that they attended the meeting at the Mother Butler Center and discussed the proposed development. Schumaker noted that concerns were raised regarding traffic, drainage, and a secondary entrance and were addressed by the staff review.

Anderson moved, Hadcock seconded 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 (04CA065) be approved in conjunction with the associated Rezoning request and Planned Commercial Development – Initial Development Plan; to recommend that the Planned Commercial Development - Initial Development Plan (04PD072) be approved with the following stipulations:

- 1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificated of Occupancy shall be obtained prior to occupancy of the structures;**
- 2. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 3. The uses allowed within the Planned Commercial Development shall be limited to a furniture store within the northern most proposed structure and any other use permitted in the General Commercial Zoning District within the southern most proposed structure;**

4. Upon submittal of a Final Development Plan, structural elevations and a list of the building materials for the proposed structures shall be submitted for review and approval;
5. All site lighting will need to be directed away from the adjacent rights-of-way and residential zoned properties;
6. Upon submittal of a Final Development Plan, a complete sign package shall be submitted for all on site signage showing compliance with Section 15.28 of the Rapid City Municipal Code;
7. No off-premise, flashing or electronic motion signs shall be permitted for the proposed Planned Commercial Development;
8. Upon submittal of a Final Development Plan, a detailed landscape plan shall be submitted showing a minimum of 98,450 landscaping points in compliance with Section 17.50.300 of the Rapid City Municipal Code;
9. The requirement to install a screening fence along the property lines abutting Mall Drive and Pahasapa Road is hereby waived;
10. Upon submittal of a Final Development Plan, the site plan shall be revised to show the proposed screening fence located outside the required 25 foot front yard setback or the applicant shall obtain a Fence Height Exception to allow a fence greater than four feet in height located within the required front yard setback. Staff also noted that elevation drawings of the proposed fence shall be submitted with the Final Commercial Development Plan. Also, staff recommends that the fence be constructed of low maintenance materials;
11. Both structures shall be fully fire sprinkled and fire alarmed as per the International Fire Code;
12. All applicable provisions of the International Fire Code shall be continually met;
13. Upon submittal of a Final Development Plan, final grading and drainage plans must be submitted;
14. The final grading and drainage plan must demonstrate management and discharge of storm water runoff that is consistent with the Rapid City Drainage Criteria Manual, with no discharge on the residential properties located to the west of the subject property. Staff also noted that the grading and drainage plan shall include a sediment and erosion control plan;
15. Prior to issuance of a Building Permit, the applicant must demonstrate that easements exist on the adjacent property to the south of the subject property for the installation and operation of the proposed storm sewer main;
16. Upon submittal of a Final Development Plan, a revised site plan shall be submitted showing the driveway access located along Haines Avenue reduced to a maximum width of 28 feet allowing a $\frac{3}{4}$ driveway approach only, with signage indicating no left turn;
17. The hours of delivery, for the proposed furniture store, shall be limited to the hours between 7:00 AM and 10:00 PM;
18. Upon Submittal of a Final Development Plan, the location and design of the proposed screening for the dumpster shall be

- provided for review and approval;
19. Upon submittal of a Final Development Plan, complete information, including frequency and decibels generated by the air handling equipment, and location of proposed screening for all air handling equipment shall be submitted to insure that the adjacent residential properties are not adversely affected; and,
 20. 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; and,

to recommend that the Rezoning from Low Density Residential District to General Commercial District (04RZ057) be approved in conjunction with the associated Comprehensive Plan Amendment and Planned Commercial Development – Initial Development Plan. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

The Rapid City Planning Commission's action on Item 04PD072 is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

*35. No. 04PD075 - Eastridge Estates

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Planned Residential Development - Initial Development Plan to allow the construction of 32 townhouses in the Low Density Residential Zoning District** on the W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Enchanted Pines Drive.

Hani Shafai, applicant, requested that the Planned Residential Development application be continued to the January 27, 2005 Planning Commission meeting.

Hadcock moved, Schmidt seconded and unanimously carried to continue the Planned Residential Development - Initial Development Plan to allow the construction of 32 townhouses in the Low Density Residential Zoning District to the January 27, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

44. No. 04SV073 - Village on the Green #2

A request by Wyss Associates, Inc. for Hart Ranch Development Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, 2R, 17R, 19, 20, 21R, 22R, 24R, 25, 26, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B, Village on the Green #2 Subdivision, Section 12 and 13, T1S, R7E, Pennington County, South Dakota, more generally described as being located east of Mulligan Mile and Hacker Horseshoe Loop.

Frank Brost, President of Hart Ranch Homeowners Association, requested clarification concerning the requirement for the homeowners to execute a waiver of right to protest and assessment project.

Fisher stated that as a stipulation of approval for the requested Subdivision Variance the applicant's must sign a waiver of right to protest future assessment for sidewalks. Fisher explained that if the property is annexed into the City of Rapid City and if 51% of the area property owners bring forward an assessment project, the property owners cannot protest the assessment project. Fisher commented that the City Council has routinely required the execution of the waiver of right to protest as a condition of approval for granting Subdivision Variances. Fisher discussed the timeline for obtaining signatures of all property owners prior to City Council approval.

Schmidt noted that he had reviewed a letter submitted by Leland and Dorothy Schemp.

In response to a question from Anderson, Fisher reviewed the history leading up to the requested Subdivision Variance.

Gene Addink, Hart Ranch Development Company, expressed his appreciation to the Planning Commission and staff for their assistance in addressing this issue.

Anderson moved, Hadcock seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)**

47. No. 04CA030 - Waterslide Addition

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** on a right-of-way 76.00' in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the Center ¼ of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N56°29'51"W along a non-visual line, 972.17' to the True Point of Beginning; Thence S22°35'26"E 198.94 feet; Thence along a curve to the right having a radius of 526.00 feet, included angle of 23°53'35", and a curve length of 219.35 feet; Thence S01°18'09"W 1438.43 feet; Thence along a curve to the right having a radius of 600.00 feet, included angle of 38°11'50", and a curve length of 400.00 feet; thence S39°29'59"W 257.99 feet; Thence along a curve to the right having a radius of 850.00 feet, included angle of 38°11'50", and a curve length of 566.67 feet; Thence S01°18'09"W 237.88 feet to a point on the south line of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel containing 5.80 acres more or less and located in the SE1/4NW1/4 and E1/2SW1/4 of Section 26, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

Horton noted staff's recommendation that the Amendment to the Comprehensive Plan be continued to the January 27, 2005 Planning Commission meeting to allow applicant to work on the road connectivity.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Major Street Plan Amendment, an element of the Comprehensive Plan, be continued to the January 27, 2005 Planning Commission meeting to allow the applicant to work with the property owner to the south of the current application's property owners to ensure connectivity with the existing approved north/south collector route. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

48. No. 04CA060 – Major Street 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** all located in Sections 23, 24, 25, 26, 34, 35 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.

Horton indicated that this item was continued from the December 9, 2004 Planning Commission meeting to allow staff to address concerns expressed by a neighboring property owner. Horton stated staff's recommendation for approval of the proposed Comprehensive Plan Amendment.

Anderson moved, Hadcock seconded 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 approved. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

Fisher requested that Items 49 and 50 be considered concurrently.

49. 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.

50. 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 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 Subdivision Variance be continued to the February 10, 2005 Planning Commission meeting.

Hadcock moved, Lemay seconded and unanimously carried to recommend that the Layout Plat (04PL154) and the Variance to the Subdivision Regulations (04SV062) be continued to the February 10, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

51. 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 Red Rock Meadows, 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 noting that the Preliminary Plat was continued from the December 9, 2004 Planning Commission meeting. Fisher identified a document containing a metes and bounds description as distributed to the Planning Commission on the dais. Fisher noted staff's recommendation for approval of the Preliminary Plat with stipulations and excluding the metes and bounds description as identified. Fisher clarified that the exclusion of the metes and bounds description reduces the number of lots identified in Stipulation Five from 120 dwelling units to 91 dwelling units with one point of access in lieu of 40 dwelling units. Fisher stated that a fax was just received from the legal representative of the adjacent property owners indicating support for the project as revised.

In response to a question from Anderson, Hani Shafai stated that some of these issues would be revisited in the upcoming phases of the development.

In response to a question from Lemay, Fisher indicated that staff has not supported exceptions to the maximum 40 dwelling unit rule.

In response to a question from Anderson, Shafai commented that provisions for a secondary access are underway. Discussion followed on incorporating language into the motion to insure that a secondary access road is secured either through an H-Lot or a plat action.

Anderson moved, Lemay seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, a grading plan and 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, 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;**
- 3. Prior to Preliminary Plat approval by the City Council, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and 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 intersection of Muirfield Drive and the east-west collector street shall be reconstructed to re-align creating a tee intersection configuration, with continuity between the east-west collector street and the northward extension of Muirfield Drive. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;**
- 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of a minimum 66 foot wide right-of-way for Dunsmore Road as it extends south from Oakmont Road to Sheridan Lake Road or the right-of-way shall be dedicated as a part of a separate platting proposal or a Variance to the Subdivision Regulations shall be obtained. In addition, the certificate of title ownership on the plat document shall be revised to include "Christopher D. Hamm" and "Leo Hamm Family";**
- 5. The Exception request to allow 91 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied;**
- 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a second point of access to the proposed development or a maximum of 40 lots shall be allowed;**

7. Prior to Preliminary Plat approval by the City Council, design criteria for the proposed round-about intersection shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the City Council, access shall be provided to proposed Lot 1, Block 5. If the lot is proposed as a "sign lot", then the plat document shall be revised to label the lot accordingly and the applicant shall provide documentation demonstrating maintenance of the lot;
9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to the balance of the north-south section line highway which is not being vacated via this plat;
10. Prior to Preliminary Plat approval by the City Council, written documentation shall be provided identifying that all of the affected utility companies concur with the proposed vacation of section line highway;
11. Prior to Preliminary Plat approval by the City Council, the Master Utility Plan shall be revised to include private utilities;
12. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
13. Prior to Preliminary Plat approval by the City Council, the applicant shall submit revised construction plans providing turning lanes and stacking lanes as needed at the Sheridan Lake Road and Dunsmore Road intersection;
14. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval demonstrating that run-off from the property shall not be discharged at rates that exceed the pre-developed flow rates or the applicant shall demonstrate that downstream facilities are adequate to transport increased flows and that the legal right to discharge the increased flows over adjacent and downstream properties exists or has been granted;
15. Prior to Preliminary Plat approval by the City Council approval, the entity responsible for operation of the proposed sanitary sewer lift station shall be identified. If a private entity or sanitary district is proposed to operate the facilities, construction plans for the facilities shall be submitted to the City for review and approval. If operation of the facilities by the City of Rapid City is proposed, the applicant shall obtain authorization from the City Council to proceed with the design and construction under the supervision of the Public Works Department;
16. Prior to the construction of a utility sub-station, a community well or a lift station, a Conditional Use Permit and/or a SDCL 11-6-19 Review shall be obtained depending upon ownership of the property and/or improvement;
17. All Uniform Fire Code shall be continually met;
18. Upon submittal of a Final Plat application, the applicant shall provide documentation demonstrating maintenance of the drainage lot;

19. Prior to submittal of a Final Plat application, the applicant shall submit different street names for Porthcawl Court, Valderamma Lane, Enniscrone Court, Scotsgraig Court, Sunningdale Drive, Stone Haven Lane, Oakmont Road, Woodcrest Court, Wentworth Court and Connemara Court to Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
20. Prior to submittal of a Final Plat application, the plat title shall be revised eliminating "Phase One". In addition, the plat document shall be revised to clearly delineate the proposed "Blocks";
21. 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 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

In response to a question from Olson, Elkins indicated that the Borgmeyers are primarily concerned with the 40 dwelling unit rule with one point of access as it relates to the platting of their property.

52. No. 04PL194 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Dennis Zandstra to consider an application for a **Layout and Preliminary Plat** on Jolly Lane Right-of-Way from Padre Drive south to section line, legally described as a portion of Tract 1 of Elks Country Estates, located in the SE1/4, of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Jolly Lane and Padre Drive.

Catron-Blair presented the request and noted staff's recommendation for the item to be denied without prejudice as the proposed plat lies within a special study area. Catron-Blair explained that the City designated this as a special study area due to the large number of units located in the area with only one point of access.

Doug Sperlich, representing the applicant, explained he would like an exception to allow platting within this Study Area to go before the next City Council meeting and requested that the Layout and Preliminary Plat be continued until the decision has been made by the City Council.

Elkins clarified that the issue is primarily associated with access from the adjacent development. Elkins advised that the Plum Creek property sold at auction in early December and staff has scheduled meetings to work with the new property owners on the access issue.

In response to a question from Schmidt, Elkins indicated that she believed the City Council would lift the special study area when the second permanent access connection through the Plum Creek development is completed.

Discussion followed concerning the time frame anticipated to complete the

construction of the second permanent access.

Sperlich suggested that the Layout and Preliminary Plat request be continued to the January 27, 2005 Planning Commission meeting and that a request be submitted to the City Council to lift the restriction on platting in a Special Study Area for this application.

Elkins stated that staff has no objection to the continuation of the plat application and a subsequent motion to address the exception to the Study Area requirements.

Schmidt moved and Lemay seconded to recommend that the Preliminary Plat be continued to the January 27, 2005 Planning Commission meeting.

Hadcock made a substitute motion and Fast Wolf seconded to recommend that the Preliminary Plat, excluding the exception to a Special Study Area, be continued to the January 27, 2005 Planning Commission meeting.

In response to a question from Prairie Chicken, Sperlich requested that the exception to a Special Study Area be moved forward and heard by the City Council.

In response to a question from Lemay, Sperlich stated that no construction would occur until the issue was fully resolved with staff.

The motion unanimously carried to recommend that the Preliminary Plat, excluding the exception to a Special Study Area, be continued to the January 27, 2005 Planning Commission meeting. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

Hadcock moved, Lemay seconded and unanimously carried to recommend that the City Council waive the requirements of the Special Study Area to allow the platting of right-of-way only. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

53. No. 04PL195 - Bridle Path Estates

A request by Gary and Donna Kluthe to consider an application for a **Preliminary Plat** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9425 Sheridan Lake Road.

Fisher presented the request and noted staff's recommendation for approval of the Preliminary Plat with stipulations.

Gary Kluthe, applicant, requested clarification concerning staff's recommendation for the provision of 8" water mains. Kluthe stated that was his understanding that

the requirement to provide fire protection hydrants and City standard water and sewer lines were waived through the Subdivision Variance process earlier this year.

Curt Huus, Project Engineer, indicated that the water mains shown on the plans as submitted do not meet minimum City street standards.

Kluthe stated that this development will be served by a private water system and requested clarification concerning what information would have to be included in the revised plans noting that he feels the City Standards for water mains appear to be excessive to service only eight homes.

Fisher clarified that there was a Variance requested to waive the requirement to install a central water system. Fisher indicated that State regulations address private water systems in the same manner as public water systems in that these systems must meet the State regulations and City requirements for water location and main sizes lying within rights-of-way. Fisher stated that staff can meet with the applicant and their engineer to address design standards water main location concerns as identified.

Schmidt asked the applicant if he would like to continue the Plat request to the next meeting to address design issues with staff.

Kluthe stated that he did not want to continue the application and he indicated that he does not understand why the 3" water mains cannot be used in the right-of-way for the proposed development.

Elkins clarified that as a result of the Subdivision Variance that was granted the applicant was not required to hook up to the City water system; however, the applicant is required to construct a private water system and that system must comply with State standards.

Kluthe stated that the drainage outlet is shown on the site plan. Huus indicated that the drainage outlet is not shown on the plan.

Kluthe expressed concern that they have to submit additional geotechnical information. Huus stated that he would like to meet with the applicant to discuss this information further.

Lemay moved, Schmidt seconded and unanimously carried to continue the Preliminary Plat to the January 27, 2005 Planning Commission meeting. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

54. No. 04SV077 - Kennsington Heights Subdivision

A request by Sperlich Consulting, Inc. for Jim Scull to consider an application for a **Variance to the Subdivision Regulations to waive requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Elm Avenue as it abuts the subject property as per chapter 16.16 of the Rapid City Municipal Code on**

Lot B of N1/2 of Government Lot 4 less Craig Estates all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elm Avenue and Field View Drive.

Fisher presented the request and reviewed the slides and the staff report and stated staff's recommendation for denial of the requested variance.

Sperlich stated that the Preliminary Plat has been approved with the alignment shown on the plat document. Sperlich commented that the applicant and the City do not have any control over whether the majority of that street is dedicated by the adjacent property owners. Sperlich indicated that they will dedicate that portion of the street that crosses their property and he stated that their development will not take access or utilities from the adjacent right-of-way identified by staff. Sperlich stated that they are willing to post a bond for that portion of the right-of-way that falls onto their property and he stated that they are willing to execute a waiver of right to protest the future improvements.

In response to a question from Lemay, Fisher stated that a waiver of right to protest would ensure that the applicant could not object to an assessment project if one is brought forward. Fisher indicated that staff recommends that the applicant work with the adjacent property owners to coordinate the adjacent right of way.

Discussion followed concerning bonding for the triangular piece lying on the subject property to be dedicated as Elm Street right-of-way.

Sperlich stated that they have been working with the adjacent property owners for two years and cannot move them forward with regard to the right-of-way issue.

Discussion followed concerning the amount of the bond.

Anderson moved, Hadcock seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Elm Avenue as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant post surety for that portion of Elm Avenue located on the subject property and that the applicant sign a waiver of right to protest any future assessment for the improvement of Elm Avenue as it abuts the subject property. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Lemay, Prairie Chicken and Schmidt all voting yes and none voting no)

55. 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 presented the request noting that this item has been continued a number of times to attempt to mitigate the noise coming from the converter substation. Fisher referenced the noise analysis that identifies that the requirements of the Public Utility Commission are now being met. Fisher indicated that the Pennington County Commission approved the Conditional Use Permit for the facility, briefly reviewed updates to the staff report and stated staff's recommendation of approval of the utility substation with stipulations.

Duane Miller, area property owner, indicated that the noise from the converter substation wakes his family at night. Miller discussed the legal noise limits as identified by the Public Utility Commission. Miller stated that they purchased a new home and once it is remodeled they will move out of their current home. Miller played a video tape of the noise coming from the utility converter.

Jackie Miller stated that in an effort to reduce the noise level in the house they put insulation in the windows, moved the bed downstairs, tried sleeping pills, tried running the air conditioner all night. Miller stated that the applicants have not addressed the issue of the noise and expressed concern that they cannot sell the property.

Schmidt asked if the Millers feel that the noise has been reduced from a year ago. Duane Miller stated that he feels the tone of the noise has changed.

In response to a question from Schmidt, Duane Miller stated that while the noise level may be within legal limits now, they still cannot sleep in their house.

Prairie Chicken asked if the wind direction varies the noise. Duane Miller indicated that thirty mile per hour winds help to drown out the noise from the facility.

Duane Miller requested that this request be denied or continued to allow this issue to be resolved.

Hadcock asked if Basin Electric could address the issue of vibrations emanating from the power station.

Duane Miller invited the Planning Commissioners to spend the night in the home to experience the situation first hand.

Schmidt asked if this situation occurs every night.

Duane Miller indicated that the noise occurs only when the substation is running.

Discussion followed concerning the wind in the area of the substation.

Michael Gould stated that he owns property east of the utility substation and has

three rental properties in the area. Gould noted that tenants living in his rental properties have differing complaints concerning the sounds and vibrations coming from the utility substation. Gould stated that the location of the utility substation should not be allowed to be placed in an area to be developed residentially. Gould noted that he has attended numerous meetings, met with representatives from the Basin Electric, Black Hills Power, the Public Utilities Commission, Pennington County, and Rapid City to try and address the issue. Gould noted that there are not ordinances in place to address these concerns. Gould discussed stray energization and potential unknown health effects from the substation. Gould stated that people will not want to live around the substation.

Schmidt asked if Gould disputes the findings of the Public Utilities Commission reports. Gould stated that he does not dispute the findings.

In response to question from Schmidt, Gould stated that he could not dispute the facts in the other reports as he is not familiar with the methods used to generate the information.

Gould indicated that the requirements are not stringent enough.

Olson requested clarification concerning why the utility substation is situated at the current location.

Discussion followed concerning the operation of the utility substation and the request for expansion of the utility substation before the Planning Commission

In response to a question from Lemay, Landeen clarified that request pending before the Planning Commission today is whether or not to allow construction of the circuit. Landeen noted that if the 11-6-19 Review is denied the circuit breaker will not be installed. Landeen stated that the Conditional Use Permit granted by Pennington County allowed the use to continue once the utility demonstrated that the noise level is within the Public Utilities Commission requirements.

Lemay stated that he sympathizes with the concerns expressed by the neighboring property owners and noted that Basin Electric appears to be meeting the requirements that are currently in place.

Discussion followed concerning the location of the proposed new breaker in relationship to the existing utility substation.

In response to a question from Anderson, Landeen clarified that the Planning Commission is only able to review the expansion of the facility and cannot change what is existing at the utility substation now.

Lemay left the meeting at this time.

Jim Keck, representing Black Hills Power and Basin Electric, explained that the substation is a joint project with Basin Electric and Black Hills Power. Keck noted

that the 200 Megawatt station was completed last year and is there to provide power for additional growth and backup power in the service areas for both Black Hills Power and Basin Electric. Keck indicated that if they can purchase power cheaper than they can generate it, users save money. Keck stated that they have met the Public Utility Commission's noise requirements. Keck commented that the ringing noise was eliminated and some of the noise at the fence line was reduced by as much as 50%. Keck reviewed slides of the utility substation and surrounding residential properties. Keck noted that breaker to be installed is located approximately one mile east of the substation. Keck explained that the tubes outside of the transformers were filled with six tons of sand. Keck stated that the cooling fans were re-programmed to reduce noise. Keck indicated that the reactors were silenced by adding weights to the cylinders. Keck stated that noise experts were hired to take measurements at night and in the afternoon with the substation flowing at 200 Megawatts. Keck discussed decibel levels in detail. Keck stated that he does not believe vibration is part of the issue associated with the substation. Keck continued to discuss the results of the noise analysis.

Discussion followed concerning the results of the noise analysis and vibrations.

In response to a question from Schmidt, Mary Hanner, Burns and McDonald, stated that based on the measurements taken they have no reason to believe that vibrations are an issue with the facility.

Discussion followed concerning the times that the noise from the facility was measured and potential events that may cause the Millers to wake up during the night.

In response to a question from Schmidt, Hanner stated that based on the measurements take from the residential properties, further reduction in noise from the substation facility would not noticeably reduce the sound at the residences.

Anderson asked if the expansion of the facility by one breaker will increase the noise coming from the facility. Keck stated that the new breaker would not increase the noise level coming from the fence line. Anderson requested clarification concerning where the breaker will be located and what level of noise will be coming from the breaker.

Mike Bowers, Manager of Engineering for Rushmore Electric Power Cooperative, reviewed the history of the electrical lines noting that they have been in place since the 1950's. Bowers described the breaker as a device about the size of a refrigerator with bushings connecting to the wires on the line noting that it is a circuit breaker, not a transformer. Bower noted that the breaker is a passive silent device.

In response to a question from Anderson, Fisher stated that during the review of this application it was identified that the noise levels were not in compliance with the Public Utility Commission standards it allowed the Rapid City and Pennington County to review the original substation request. Fisher added that the applicant has provided documentation showing that they are in compliance with Public

Utility Commission standards and now the Planning Commission's review is only to the breaker. Fisher indicated that if the Public Utilities Commission notifies the Rapid City of further violations the City can revisit the substation approval.

Anderson moved to approve the 11-6-19 SDCL Review to allow expansion of a utility substation with the following stipulations:

- 1. That all the improvements shall be constructed in compliance with the design plans submitted for review and approval; and,**
- 2. The converter substation shall be continually operated in compliance with the South Dakota Public Utility Commission requirements.**

The motion died due to the lack of a second.

Hadcock asked Hanner if the sound testing was done from inside their home. Hanner responded that they took readings from inside the Miller's bedroom and then were not allowed to return to take further readings.

Hadcock described the noises she heard on visits to the area and requested clarification concerning what could be causing the vibrations. Hanner stated that they have taken measurements and have not identified any frequencies over 70.

Schmidt requested clarification concerning how the issue would be addressed if the Public Utilities Commission strengthened their standards.

Landeem stated that the utility substation would have to meet the standards as adopted by the Public Utilities Commission.

Gene LeBrun, advised that he is representing Basin Electric and Black Hills Power concerning this matter and stated that they were in contact with the Miller's attorneys and requested permission to go into their home and do the tests and were denied. LeBrun added that the issue under review is the breaker.

Fast Wolf expressed concern that there is no information stating that the new breaker will not increase the noise level at the utility substation.

Fast Wolf moved and Hadcock seconded to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the January 27, 2005 Planning Commission meeting to allow the Planning Commission to tour the facility.

Keck stated that the breaker will not add any noise to the utility substation.

Hadcock indicated that she would like an opportunity to tour the facility.

Duane Miller stated that they did not deny access to perform noise tests, they offered conditions for them to perform the tests. Duane Miller stated that they have lived there 10 years prior to the construction of the utility substation and did not have a problem.

Jackie Miller stated that they did not take readings from the residence, they took

readings from the road.

Schmidt stated that the applicant is complying with noise requirements from the Public Utilities Commission.

Mike Bowers stated that to the best of his knowledge there will be no additional noise generated by the breaker noting that it will be placed in an existing structure.

Schmidt stated opposition to the motion to continue.

In response to a question from Anderson, Landeen stated that the Planning Commission's action will not change the noise level at the utility substation unless the breaker adds to it and they cannot shut down the intertie.

Fast Wolf called the question.

Fast Wolf moved, Hadcock seconded and carried to continue the 11-6-19 SDCL Review to allow expansion of a utility substation to the January 27, 2005 Planning Commission meeting to allow the Planning Commission to tour the facility. (4-2 with Brown, Fast Wolf, Hadcock, and Prairie Chicken voting yes and with Schmidt and Anderson voting no)

Prairie Chicken moved, Hadcock seconded and unanimously carried to recess the Planning Commission meeting until 7:00 a.m. on Thursday, January 13, 2005. (6-0 with Anderson, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt all voting yes and none voting no)