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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 10, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Debra Hadcock, Mike LeMay, Mel Prairie Chicken and Ethan Schmidt. Karen Olson, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Linda Foster, Bob Dominick, Bill Knight, Dave Johnson, Joel Landeen and Nadine Bauer.

Vice-Chairperson Brown called the meeting to order at 7:02 a.m.

Brown welcomed Doug Andrews to the Planning Commission.

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.

Staff requested that Items 6 and 9 be removed for separate consideration.

A member of the audience requested that Item 8 be removed for separate consideration.

Prairie Chicken moved, seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 6, 8 and 9. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

1. Approval of the December 9, 2004 and the January 27, 2005 Planning Commission Meeting Minutes.

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

Summary of Adoption Action - 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 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue, south of Mall Drive, north of Paha Sapa

Drive and east of Lakota Homes.

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

3. No. 04PL194 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Dennis Zandstra to consider an application for a **Preliminary and Layout Plat** on Jolly Lane Right-of-Way extended 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.

Planning Commission recommended that the Preliminary Plat be continued to the February 24, 2005 Planning Commission meeting to allow the application to submit additional information.

4. No. 04PL196 - Springbrook Acres Subdivision

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 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, 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 24, 2005 Planning Commission meeting at the applicant's request.

5. No. 04PL211 - Buehner Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Limelight Lane.

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

1. **Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design must be submitted for review and approval;**
2. **A Special Exception to the Street Design Criteria Manual to allow a 2,000 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the**

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- plan shall be implemented. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
3. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Limelight Lane shall be submitted for review and approval. In particular, Limelight Lane shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highways located along the south and west lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting of a half a right-of-way;
 7. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed;
 8. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan

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prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;

9. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the characteristics of downstream drainage facilities. In addition, adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles shall be provided. The plat document shall also be revised to provide drainage easements as necessary to convey upstream run-off across the property;
10. Upon submittal of a Final Plat application, a road maintenance agreement for Limelight Lane shall be submitted for review and approval;
11. Upon submittal of a Final Plat application, the plat title shall be revised to read "Located in the W1/2 W1/2 SW1/4";
12. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";
13. Upon submittal of a Final Plat application, the plat document shall be revised to show an access restriction easement along each side of the first 100 feet of Limelight Lane extension to be in compliance with the Street Design Criteria Manual;
14. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

7. No. 05PL006 - Park Meadows Subdivision

A request by Sperlich Consulting, Inc. for Jim Letner to consider an application for a **Layout Plat** on Lots 1 through 5, Park Meadows Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East St. Patrick Street.

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

1. Upon submittal of a Preliminary Plat, road construction plans for

East Saint Charles Street shall be submitted for review and approval. In particular, the construction plans shall show East Saint Charles Street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and bike path if disturbed or a Variance to the Subdivision Regulations shall be obtained;

2. Upon submittal of a Preliminary Plat, road construction plans for Creek Drive shall be submitted for review and approval. In particular, the road construction plans shall show Creek Drive 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;
3. Upon submittal of a Preliminary Plat, a drainage plan and on-site detention plan for all improved areas shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of water service lines and locations along Creek Drive and East Saint Charles Street with size of sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat, a grading plan for all improved areas shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat, geotechnical information identifying the soil testing and design calculations for pavement design shall be submitted for review and approval;
7. Upon submittal of a Preliminary Plat, 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 Growth Management staff;
8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 75 foot separation between the proposed driveways and Ash Avenue or a shared approach shall be provided aligning with Ash Avenue or an Exception to the Street Design Criteria Manual shall be obtained;
9. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 230 foot separation between driveway(s) and the East Saint Patrick Street/Creek Drive intersection or an Exception to the Street Design Criteria Manual shall be obtained;
10. Prior to submittal of a Final Plat, an Approach Permit from the South Dakota Department of Transportation for proposed East Saint Patrick Street accesses to the subject property shall be obtained;
11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;

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12. Upon submittal of a Final Plat application, the plat document title shall be revised to identify a different subdivision name;
 13. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 10 foot of right-of-way dedicated along East Saint Patrick Street and an additional 17 foot of right-of-way dedicated along Creek Drive or a Variance to the Subdivision Regulations shall be obtained;
 14. Upon submittal of a Final Plat application, the plat document shall be revised eliminating the proposed access easements and show shared approaches or construct the access easements per City street standards. In particular, the access easements shall be a minimum 59 foot wide and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or request a Variance to the Subdivision Regulations;
 15. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
 16. 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. 05PL010 - Skyline Pines Subdivision
A request by Sperlich Consulting Inc. for Thomas Gagliano to consider an application for a **Preliminary Plat** on Lots 8A, 8B and 9R, Block 2, Skyline Pines Subdivision, and a portion of the dedicated right-of-way of Sandstone Lane, located in the SE1/4 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, located in the SE1/4 of the SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Pevans Parkway and 3289 Sandstone Lane.

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

1. Prior to Preliminary Plat approval by the Planning Commission, a geotechnical analysis with slope stability information shall be reviewed and approved to insure that slope stability exists for the proposed building envelopes;
2. Prior to Preliminary Plat approval by the Planning Commission, a drainage plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. In addition, access to proposed Lot 8A, across the Major Drainage Easement, shall be constructed in compliance with that drainage plan;
3. Prior to Preliminary Plat approval by the Planning Commission, a revised plat be submitted showing the dedicated right-of-way for the existing access easement. The access easement is classified as a lane place street requiring that the street be located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface. In addition, road construction plans for the access easement shall be submitted for review and approval. In

particular, the road construction plans shall show the dedicated right-of-way for the access easement along with plans for the curb, gutter, sidewalk, water, sewer and pavement;

4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
5. All Uniform Fire Codes shall be continually met;
6. Prior to submittal of a Final Plat application, written documentation from all of the affected utility companies shall be submitted identifying concurrence with the relocation of the utility easements along the common lot lines;
7. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and
8. Prior to Preliminary Plat approval by the City Council, applicant needs.

11. No. 05PL011 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Preliminary Plat** on Lots 10 thru 14 of Block 23, and Lots 20 thru 22 of Block 21, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota; more fully described as follows: Commencing at the southwesterly corner of Lot 19 of Block 21 of Trailwood Village and the Point of Beginning; Thence, first course: S52 28'47"E, along the southerly boundary of said Lot 19 of Block 21, a distance of 95.00 feet, to a corner common to Lots 17, 18, and 19 of Block 21 of Trailwood Village; Thence, second course: S37 31'13"W, along the westerly boundary of Lots 16 and 17 of Block 21 of Trailwood Village, a distance of 194.68 feet, to the southwesterly corner of said Lot 16 of Block 21, common with a corner on the northerly boundary of Drainage Lot B of Trailwood Village; Thence, third course: N77 34'10"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 71.19 feet; Thence, fourth course: N47 53'06"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 59.37 feet; Thence, fifth course: N01 05'13"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 82.32 feet; Thence, sixth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the right on a curve with a radius of 124.50 feet, a delta angle of 20 55'57", an arc length of 45.48 feet, a chord bearing of N62 56'45"W, and chord distance of 45.23 feet, to a point of tangent; Thence, seventh course: N52 28'47"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 48.46 feet, to a point of curve; Thence, eighth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the left on a curve with a radius of 30.00 feet, a delta angle of 73 35'58", an arc length of 38.54 feet, a chord bearing of N89 16'46"W, and chord distance of 35.94 feet, to a point of reverse curve; Thence, ninth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the right on a curve with a radius of 55.00 feet, a delta angle of 128 53'22", an arc length of 123.72 feet, a chord bearing of N61

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38'04"W, and chord distance of 99.24 feet; Thence, tenth course: N87 11'23"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 23.79 feet; Thence, eleventh course: N52 26'30"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 85.14 feet, to the southeasterly corner of Lot 9 of Block 23 of Trailwood Village; Thence, twelfth course: N23 50'26"E, along the easterly boundary of said Lot 9 of Block 23, a distance of 109.27 feet, to a corner common to Lots 8 and 9 of Block 23 of Trailwood Village; Thence, thirteenth course: N37 31'13"E, along the easterly boundary of said Lot 8 of Block 23 of Trailwood Village, a distance of 93.64 feet, to a corner common to Lots 5, 6, and 8 of Block 23 of Trailwood Village; Thence, fourteenth course: S52 28'47"E along the southerly boundaries of Lots 1 through 5 of Block 23 of Trailwood Village, a distance of 381.25 feet, to the southeasterly corner of said Lot 1 of Block 23, common with the southwesterly corner of the right-of-way of Benjamin Street; Thence, fifteenth course: S52 28'47"E, along the southerly end of the right-of-way of said Benjamin Street, a distance of 49.00 feet, to the southeasterly corner of the right-of-way of said Benjamin Street; Thence, sixteenth course: N37 31'13"E, along the easterly edge of the right-of-way of said Benjamin Street, a distance of 15.00 feet, to the southwesterly corner of said Lot 19 of Block 21 of Trailwood Village, and the Point of Beginning, all located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along Benjamin Street.

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, construction plans of the proposed cul-de-sac turnaround bulb shall be revised to be located in a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, construction plans of the typical road section shall be revised. In particular, the cross slopes shall be shown correctly;**
- 3. Prior to Preliminary Plat approval by the Planning Commission, construction plans for the proposed fire hydrant shall be revised relocating the fire hydrant out of the middle of the right-of-way and not in the drainage ditch;**
- 4. Prior to Preliminary Plat approval by the Planning Commission, construction plans shall be revised extending the sewer and water to the property frontage;**
- 5. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 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.**

12. No. 04VR013 - Potts Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Donald Potts to consider an application for a **Vacation of a portion of undeveloped section line right-of-way** in 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, more generally described as being located at 6105 Covenant Drive.

Planning Commission recommended that the Vacation of a portion of undeveloped section line right-of-way be continued to the February 24, 2005 Planning Commission meeting at the applicant request to allow the applicant to submit additional information.

13. No. 05SR003 - Moon Ridge Subdivision

A request by US Army Corp of Engineers for USDA Forest Service/ Black Hills National Forest to consider an application for an **11-6-19 SDCL Review to allow the construction of a public building on public property** on Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Moon Meadows Drive and South Highway 16.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a public building on public property 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 parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
4. **The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;**
5. **Prior to issuance of a Building Permit, a revised fence elevation drawing showing the proposed fence without the barbed wire shall be submitted for review and approval;**
6. **All site lighting shall be directed away from the adjacent rights-of-way and residentially zoned properties;**
7. **All applicable provisions of the International Fire Code shall be continually met;**
8. **A "Knox Box" shall be installed in an accessible location as determined by the Fire Department;**
9. **Prior to issuance of a Building Permit, the applicant shall submit the earthwork quantities, drainage calculations, an erosion and sediment control plan and indication of the area disturbed for review and approval; and,**
10. **Prior to issuance of a Building Permit, a Grading Permit, Right to Work Permit, Permit to Work in Right-of-Way, Department of Transportation Permit and a National Pollutant Discharge Elimination**

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System Permit shall be obtained.

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

6. No. 05PL005 - Twilight Hills Subdivision

A request by Jim Hansen for Premier Homes, Inc. to consider an application for a **Preliminary Plat** on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in the SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Meadow Lane Court and Meadow Lane.

Fisher presented the request and advised that staff and the consultant met and agreed to revise stipulation #2.

Prairie Chicken moved, seconded by Hadcock 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 cost estimate of the subdivision improvements shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, revised Construction plans to address red line comments, including installation of a new fire hydrant to be located near the intersection of Meadow Lane and Meadow Lane Court shall be submitted for review and approval;**
3. **Upon submittal of a Final Plat application, the plat document shall be revised to change the 2004 date in the signature blocks; 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, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)**

8. No. 05PL007 - High Meadow Ranchettes and Stromer Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark Abrams to consider an application for a **Layout Plat** on Lot A Revised of Lot 16 of Block 2, High Meadows Ranchettes and Lot B Revised of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Lot A of Lot 16 of Block 2, High Meadows Ranchettes and Lot B of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8150 Schroeder Road.

A member of the audience who has property adjacent to the subject property asked for clarification on the applicant's request for a Subdivision Variance.

Elkins presented the request and reviewed the slides of the subject property and

staff's recommendation. She explained that the applicant is proposing to relocate a common boundary and reconfigure the lots. She added that there would be no increase in density.

LeMay moved, seconded by Anderson and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat, road construction plans for Schroeder Road shall be submitted for review and approval. In particular, the construction plans shall show Schroeder Road located in a minimum 100 foot wide right-of-way and constructed with a minimum 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat, road construction plans for Highland Loop shall be submitted for review and approval. In particular, the road construction plans shall show Highland Loop located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines shall be submitted for review. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed;**
- 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;**
- 5. Upon submittal of a Preliminary Plat application, topographical plans showing existing utilities besides existing structures for the properties shall be submitted for review and approval;**

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6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. Upon submittal of a Final Plat application, the plat document title shall be revised to read "Formerly...";
8. Upon submittal of a Final Plat application, the plat document shall be revised to show road names and the right-of-way widths along Schroeder Road and Highland Loop;
9. Upon submittal of the Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";
10. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 17 foot of right-of-way dedicated along Schroeder Road;
11. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
12. 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, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

9. No. 05PL008 - Minnesota Ridge Heights South Subdivision

A request by Centerline, Inc. for PLM Land Development LLC to consider an application for a **Layout Plat** on Lots 1 through 234, Minnesota Ridge Heights South Subdivision, all located in the SW1/4 of Section 13 and the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of Section 13; and, a portion of the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Fifth Street and Enchanted Pines Drive.

Fisher advised that staff originally recommended that the Layout Plat be continued to the February 24, 2005 Planning Commission at the applicant's request. She explained that the consultant brought in a revised plat yesterday and staff prepared stipulations of approval that have been placed on the dais for the Planning Commission's review.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, run-off volumes

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from the proposed development shall be in compliance with the South Robbinsdale Drainage Basin Design Plan or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;

3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, a maintenance agreement for the sanitary sewer main located through a proposed lot shall be submitted for review and approval. Road construction plans providing a minimum 20 foot wide graveled access and maintenance road for the sewer main shall also be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, a high pressure water loop shall be extended from Minnesota Ridge Subdivision located north of the subject property to serve any portion of the subject property above an elevation of 3,450. In addition, connection fees shall be paid to connect to the Terracita Water Zone as needed;
5. Upon submittal of a Preliminary Plat application, road construction plans for Enchantment Road shall be submitted for review and approval. In particular, the street shall be located in a 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for Enchantment Pines Road and Stumer Road shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained. If the proposed development of the lots results in more than 20 dwelling units along each street, then the streets shall be constructed to sub-collector standards requiring that they be

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- located in a minimum 52 foot wide right-of-way and constructed with a minimum a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
8. Upon Preliminary Plat application, the plat document shall be revised to provide an intermediate turnaround every 600 feet along the most western cul-de-sac or an Exception to the Street Design Criteria Manual shall be obtained;
 9. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
 10. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 12. Prior to submittal of a Final Plat, 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;
 13. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
 14. Prior to submittal of a Final Plat application, the applicant shall submit an alternate subdivision name to the Register of Deed's Office for review and approval. In addition, the plat document shall be revised to show the approved subdivision name;
 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Anderson, Andrews, Brown, 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 14 through 29 were opened.

Staff requested that Item 20 be removed for separate consideration.

Schmidt requested that Items 21 and 22 be removed for separate consideration.

Anderson moved, seconded by Hadcock and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 29 in accordance with

the staff recommendations with the exception of Items 20, 21 and 22. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

The Public Hearings for Items 14 through 29 were closed.

14. No. 04CA030 - Waterslide Addition

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** on a right-of-way 76.00 feet in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26; thence N56 29'51"W along a non-visual line, 972.17 feet 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 56 04'11", and a curve length of 587.16 feet; Thence S57 22'20"W 343.27 feet; Thence along a curve to the left having a radius of 600.00 feet, included angle of 56 04'11", and a curve length of 587.16 feet; Thence S01 18'09"W 150.00 feet to a point on the south line of section 26; said parcel containing 6.15 acres more or less and located in the SE1/4NW1/4 and SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, City of Rapid City, South Dakota, more generally described as being located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

Planning Commission recommended that the Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan be approved.

15. No. 04CA067 - Section 27, T2N, R7E

A request by Fisk Engineering for Bailey Associates, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.70 acre parcel of land from General Agriculture to Light Industrial** on the west 320 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of Commerce Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 9.70 acre parcel of land from General Agriculture to Light Industrial be denied without prejudice.

16. No. 04CA068 - Sections 26, 27, and 34, T2N, R7E

A request by Fisk Engineering for Bailey Associates, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 130.9 acre parcel of land from Park Forest to Light Industrial** on the east 1000 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM; the SW1/4 SW1/4 of Section 26, T2N, R7E,

BHM; and the east 1000 feet of the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of Commerce Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 130.9 acre parcel of land from Park Forest to Light Industrial be denied without prejudice.

17. No. 04RZ063 - Sections 26, 27, and 34, T2N, R7E

A request by Fisk Engineering for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Light Industrial District** on the unplatted SW1/4 SW1/4, Section 26, T2N, R7E, BHM, and the unplatted E1/2 NE1/4, Section 34, T2N, R7E, BHM, and the unplatted SE1/4 SE1/4, Section 27, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, more generally described as being located east of Rand Road and south of South Plaza Drive.

Planning Commission recommended that the Rezoning from Public District to Light Industrial District be denied without prejudice.

18. No. 04CA069 - Mahoney Addition

A request by Dan McFarland for Jeff and Patty Griffith to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a .48 acre parcel of land from Low Density Residential to Low Density Residential-II** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of the intersection of MacArthur Street and Wood Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a .48 acre parcel of land from Low Density Residential to Low Density Residential-II be continued to the March 24, 2005 Planning Commission meeting.

19. No. 04RZ064 - Mahoney Addition

A request by Dan McFarland for Jeff and Patty Griffith to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential-II District** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of the intersection of MacArthur Street and Wood Avenue.

Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential II District be continued to the March 24, 2005 Planning Commission meeting.

*23. No. 05PD002 - Eastridge Estates

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A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Planned Residential Development - Final Development Plan** on a tract of land located in the W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the N1/4 corner of Section 24 bears N08°00'26"W a distance of 706.96 feet; thence S00°02'42"W a distance of 470.11 feet; thence S14°43'10"W a distance of 65.38 feet; thence S17°41'04"W a distance of 69.06 feet; thence S27°00'41"W a distance of 27.99 feet; thence S33°16'59"W a distance of 66.85 feet; thence S45°06'34"W a distance of 65.81 feet; thence S50°59'02"W a distance of 69.64 feet; thence S54°23'47"W a distance of 283.94 feet; thence N35°36'13"W a distance of 90.00 feet; thence N09°23'47"E a distance of 14.14 feet; thence N54°23'47"E a distance of 150.00 feet; thence N35°36'13"W a distance of 168.00 feet; thence N54°23'47"E a distance of 133.90 feet; thence N50°25'57"E a distance of 22.40 feet; thence N39°52'17"E a distance of 37.22 feet; thence N26°41'30"E a distance of 37.14 feet; thence N13°31'37"E a distance of 37.14 feet; thence N00°11'58"E a distance of 435.55 feet; thence S89°57'18"E a distance of 90.00 feet; thence S89°39'23"E a distance of 88.00 feet; thence S89°39'23"E a distance of 90.00 feet to the point of beginning; said tract containing 5.49 acres more or less, more generally described as being located south of Enchanted Pines Drive.

Planning Commission approved the Planned Residential Development – Final Development Plan to allow the construction of 32 townhouses in the Low Density Residential Zoning District 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. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development;
5. A minimum side yard setback of eight feet shall be provided for all townhome lots within the Planned Residential Development;
6. A minimum rear yard setback of 25 feet shall be provided for all townhome lots within the Planned Residential Development;
7. All applicable provisions of the International Fire Code shall be continually met;
8. An exception to the Street Design Criteria Manual is hereby granted to reduce the driveway separation width from 85 feet to 65 feet on Lots 1A and 1B, to 53 feet on Lots 9A and 9B and to 50 feet on Lots 19A and 19B within the Planned Residential Development;
9. Prior to Issuance of a Building Permit, the existing curb cut on Lot 1A along Enchanted Pines Drive shall be removed;
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.

*24. No. 05PD003 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Planned Residential Development - Final Development Plan** on a tract of land located in the E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Beginning at a point from which the N1/4 corner of Section 24 bears N10°20'40"E a distance of 1687.43 feet; thence S54°23'47"W a distance of 200.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S28°28'50"W a distance of 47.17 feet; thence S24°30'11"W a distance of 687.14 feet; thence N00°01'08"E a distance of 313.68 feet; thence N24°30'11"E a distance of 401.67 feet; thence on a curve turning to the right with an arc length of 245.22 feet, a radius of 470.00 feet a chord bearing of N39°26'59"E and a chord length of 242.45 feet; thence N54°23'47"E a distance of 138.17 feet; thence S80°36'13"E a distance of 14.14 feet; thence N54°23'47"E a distance of 52.00 feet; thence S35°36'13"E a distance of 120.00 feet to the point of beginning, all located in the E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Enchantment Road.

Planning Commission approved the Planned Residential Development – 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 buildings;**
3. **If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
4. **A minimum front yard setback of 25 feet, side yard setback of eight feet and rear yard setback of 25 feet shall be provided for all principal structures within the Planned Residential Development;**
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.**

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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.

*25. 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 Public Hearing on the Major Amendment to a Planned Residential Development to the March 24, 2005 Planning Commission meeting.

26. No. 05SV001 - Twilight Hills Subdivision

A request by Jim Hansen for Premier Homes, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Meadow Lane and to waive the requirement to install sidewalk and water along Meadow Lane Court as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in the SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Meadow Lane Court and Meadow Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Meadow Lane and to waive the requirement to install sidewalk and water along Meadow Lane Court 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 sidewalk along Meadow Lane and Meadow Lane Court and water main along Meadow Lane Court.**

27. No. 05SV002 - Park Meadows Subdivision

A request by Sperlich Consulting, Inc. for Jim Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and planting screen easement along Creek Drive; to waive the requirement to install additional pavement and planting screen easement along East St. Patrick Street; and, to waive the requirement to install sidewalk along East St. Charles Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 5, Park Meadows Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East St. Patrick Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to 1) waive the requirement to install additional pavement along East Saint Patrick Street be tabled; 2) to waive the requirement to provide a ten foot wide planting screen easement along Creek Drive and East Saint Patrick Street be tabled; 3) to waive the requirement to install sidewalk along East Saint Charles Street be approved; and, 4) to waive the requirement to install additional pavement, curb, gutter and sidewalk along Creek Drive be approved with the 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 sidewalk along East Saint Charles Street and the installation of additional pavement, curb, gutter and sidewalk along Creek Drive.**

28. No. 05SV003 - High Meadow Ranchettes and Stromer Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark Abrams to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A Revised of Lot 16 of Block 2, High Meadows Ranchettes and Lot B Revised of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Lot A of Lot 16 of Block 2, High Meadows Ranchettes and Lot B of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8150 Schroeder Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water 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, sidewalk, street light conduit, water and sewer along Schroeder Road and installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement Highland Loop.**

29. No. 05SV005 - Lazy P-6 Land Company, Inc. Subdivision

A request by Centerline, Inc. for Lazy P-6 Land Co. Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to allow platting half of the Elm Street right-of-way and to postpone construction of Elm Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 53, Lazy P-6 Land Company, Inc. Subdivision 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 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 Drive and north of Catron Boulevard.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting one half of the right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, storm sewer and pavement along Elm Street as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code be denied.

---END OF HEARING CONSENT CALENDAR---

20. No. 05CA001 - Minnesota Ridge Heights South Subdivision

A request by Centerline, Inc. for PLM Land Development LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an 88 acre parcel of land from Planned Residential Development with one dwelling per two acres to Planned Residential Development with 1.5 dwelling units per one acre** on property described by metes and bounds as commencing from the Point of Beginning, the northwest corner of Section 24, T1N, R7E, BHM, an original stone found in place: thence N00°03'48.2"E - 1235.74 feet to a Wendland cap, thence along the southern boundary of Minnesota Ridge Heights Subdivision S89°36'58.5"E - 1318.26 feet to a Wendland cap, thence S00°01'15"W - 575.88 feet to a Davis cap, thence S00°00'53.4"W - 658.09 feet to a Davis cap, thence S89°40'07.7"E to a calculated pint, thence S16°51'46.5"W - 1075.77 feet to the back corner of Lots 3 and 4 in Block 2 of Eastridge Estates Subdivision, thence N89°42'39"W - 857.20 feet along said boundary of Eastridge Estates Subdivision, thence 88°31'55"W - 119.66 feet thence N72°48'55"W - 440.87 feet, thence S26°29'59.8" - 225.54 feet, thence around a left hand curve with a delta of 9°18'41.2", a radius of 326.00 feet and a length of 52.98 feet, a chord bearing of S68°09'34"E and a chord distance of 52.92 feet, thence S17°11'05"W - 559.84 feet to the southwest corner of Lot 15, Block 1 of Eastridge Estates Subdivision, thence N89°42'39"W - 214.91 feet to a Renner cap, thence N00°04'36.6E - 1658.97 feet along the Section Line to the point of Beginning, all located in the SW1/4 of Section 13; and, the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Fifth Street and Enchanted Pines Drive.

Elkins stated that staff is recommending that the Amendment to the Comprehensive Plan be continued to the February 24, 2005 Planning Commission meeting to allow staff time to amend the legal advertisement.

Prairie Chicken moved, seconded by Schmidt and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on an 88 acre parcel of land from Planned Residential Development with one dwelling per two acres to Planned Residential Development with 1.5 dwelling units per one acre be continued to the February 24, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

21. No. 05PD001 - Stoney Creek South No. 2 Subdivision

A request by FMG Engineering for Belgarde Enterprises to consider an application for a **Planned Residential Development - Initial Development Plan** on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.

Schmidt expressed concerns with increased densities in the area and the safety of children who attend Corral Drive School.

Discussion followed concerning school boundaries and the potential impacts on school districts.

In response to a question by Schmidt, Elkins advised that currently there is no

member of School Board on the Planning Commission and that the School District is not notified of new subdivisions.

Prairie Chicken moved, seconded by Andrews and unanimously carried to approve the Planned Residential Development – Initial Development Plan 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 Residential Development shall be limited to 255 dwelling units, 18 detached garages, with a club house and recreational uses in association with the multi-family development;**
- 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. A minimum front yard setback of 25 feet, side yard setback of eight feet and rear yard setback of 25 feet shall be provided for all principal structures within the Planned Residential Development;**
- 6. All applicable provisions of the International Fire Code shall be continually met;**
- 7. Upon submittal of the Final Development Plan, the site plan shall be revised to show a minimum of 16 handicapped parking stalls with two of those stalls being “van accessible”;**
- 8. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 9. Upon submittal of a Final Commercial Development Plan, a detailed landscape plan shall be submitted showing a minimum of 792,895 landscaping points in compliance with Section 17.50.300 of the Rapid City Municipal Code;**
- 10. Upon submittal of a Final Development Plan, a detailed landscape plan shall be submitted showing a minimum of 15 landscape islands as required by Section 17.50.300 of the Rapid City Municipal Code;**
- 11. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;**
- 12. Upon submittal of a Final Development Plan, a site plan showing the location of all exterior lighting shall be submitted for review and approval;**
- 13. 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;**
- 14. Upon submittal of a Final Development Plan, final grading and erosion control plans shall be submitted for review and approval;**
- 15. Upon submittal of a Final Development Plan, a geotechnical report verifying the slope stability of the proposed building sites shall be submitted for review and approval;**
- 16. Upon submittal of a Final Development Plan, a final drainage plan**

- and calculations to demonstrate adequate pipe sizes, collection system, size of detention area on-site shall be submitted for review and approval;
17. Upon submittal of a Final Development Plan, water plans showing the extension of water mains, appurtenances and services shall be submitted for review and approval. In addition, sanitary sewer plans and profiles showing mains, man holes and services shall be submitted for review and approval;
 18. Upon submittal of a Final Development Plan, road construction plans and profiles, typical road sections with pavement widths per the Rapid City Street Design Criteria Manual for collector and sub-collector street shall be provided for review and approval;
 19. Upon submittal of a Final Development Plan, geotechnical information with recommended pavement thicknesses shall be provided for review and approval;
 20. Upon submittal of a Final Development Plan, a revised site plan showing the location and type of traffic markings and signage shall be provided for review and approval; and,
 21. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)
22. No. 05RZ001 - Stoney Creek South No. 2 Subdivision
A request by FMG Engineering for Belgarde Enterprises to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a

central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to recommend that the Rezoning from General Agriculture District to Medium Density Residential District be approved. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 30 and 31 be considered concurrently.

30. 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.

31. 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 stated that staff is recommending that the Layout Plat and the Variance to the Subdivision Regulations be continued to the March 10, 2005 Planning Commission at the applicant's request.

Prairie Chicken moved, seconded by LeMay and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 10, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

Fisher requested that Items 32 and 33 be considered concurrently.

32. No. 05PL009 - Stoney Creek South No. 2 Subdivision

A request by FMG Engineering for Belgarde Enterprises to consider an application for a **Layout Plat** on Lot 1 of Stoney Creek South No. 2 Subdivision, located in the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.

33. No. 05SV004 - Stoney Creek South No. 2 Subdivision

A request by FMG Engineering for Belgarde Enterprises to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter and sidewalk along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Stoney Creek South No. 2 Subdivision, located in the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency;

thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.

Fisher advised staff is recommending that the Layout Plat and the Variance to the Subdivision Regulations be continued to the February 24, 2005 Planning Commission meeting to allow the applicant time to submit a master plan for review and approval.

Hadcock moved, seconded by Schmidt and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter and sidewalk along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 24, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

*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 Fairway Hills Subdivision** 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

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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.

Fisher advised that the applicant has requested that the Major Amendment to the Fairway Hills Planned Residential Development be continued to the March 10, 2005 Planning Commission meeting.

Prairie Chicken moved, seconded by LeMay and unanimously carried to continue the Public Hearing on the Major Amendment to the Fairway Hills Planned Residential Development to the March 10, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

*35. No. 04PD083 - The Villas at Homestead Gardens (Big Sky Subdivision)

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow the construction of single-family and townhome structures** on Tract H, Lots 13A, 13B, and 14 thru 19, Block 4; Lots 1A thru 3A, Lots 1B thru 3B, and Lots 4 thru 15, Block 19; Lots 1 thru 10, Block 20 and dedicated streets, The Villas at Homestead Gardens, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13, Block 4 and a portion of Tract E, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Homestead Street between Degeest Street and Aurora Drive.

Tucker presented the request and advised that the applicant submitted additional required information meeting the stipulations of approval. He added that a revised staff report has been placed on the dais for the Planning Commission's review.

Discussion followed concerning the stipulation that all townhome structures shall not have window openings on more than one side of the structure, and that adjacent townhomes shall not have window openings that face each other.

Additional discussion followed concerning the requirement that the applicant submit a remedial construction plan for the existing sewer or demonstrate that the sewer is adequate per the South Dakota Department of Environment and Natural Resource's design criteria.

Prairie Chicken moved, seconded by Anderson and unanimously carried to

approved the Planned Residential Development - Initial and Final Development Plan to allow the construction of single-family and townhome structures with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 28 single-family dwelling units and eight townhome 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. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development;
5. A minimum rear yard setback of 25 feet shall be provided for all townhome lots within the Planned Residential Development;
6. A note shall be placed on the Final Development Plan stating that all townhome structures will not have window openings on more than one side of the structure, and that adjacent townhomes shall not have window openings that face each other.
7. A Major Amendment to the Planned Residential Development shall be required if adjacent townhomes are to have window openings that face each other.
8. Prior to issuance of a Building Permit, the applicant shall submit a remedial construction plan for the existing sewer or demonstrate the sewer is adequate per the South Dakota Department of Environment and Natural Resources design criteria;
9. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
10. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

36. No. 04SV081 - Buehner 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, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Limelight Lane.

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

In response to a question by Schmidt, Fisher advised that the applicant is subdividing approximately 40 acres into three residential lots.

Discussion followed concerning densities and County zoning districts.

Schmidt moved, seconded by Andrews and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Limelight Lane be denied. The Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highways as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highways. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)**

37. Discussion Items

A. Amendments to the Future Land Use Portion of the Comprehensive Plan

Lengthy discussion followed concerning Pat Hahn's letter and her request to amend the Comprehensive Plan Amendment process, and being responsive to development interests and neighborhoods.

LeMay moved, seconded by Andrews and unanimously carried to recommend that the Future Land Use Committee continue to review the Amendments to the Future Land Use portion of the Comprehensive Plan and have staff report back to the Planning Commission at the April 7, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

B. Planning Commission Alternates

Lengthy discussion followed concerning staff preparing an Ordinance Amendment that would allow alternates for the Planning Commission, the Planning Commission Bylaws and absenteeism.

Schmidt stated that he opposed Planning Commission alternates and expressed concerns with consistency and continuity.

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Prairie Chicken concurred with Schmidt.

Discussion followed concerning insuring that all Planning Commission positions are filled.

LeMay stated that in his opinion if the Planning Commission appointments are all filled there would be no need for alternates.

C. Public Utilities Commission (PUC) Letter

Elkins distributed a letter staff prepared for the Vice-Chairman's signature to the South Dakota Public Utilities Commission regarding the impacts of the Basin Electric Inter-tie Facility located southeast of Rapid City.

Duane Miller, 7700 Old Folsom Road, thanked the Planning Commission for their time and effort in addressing his concerns with the inter-tie facility. He added that he appreciated the Planning Commission sending a letter to the South Dakota Public Utilities Commission asking them to undertake an independent analysis of the noise and vibration being emitted from the facility and identify and implement solutions to eliminate the impacts of the facility. He added that he would like to be notified if the Planning Commission receives a response for the South Dakota Public Utilities Commission.

Andrews moved, seconded by Anderson and unanimously carried to authorize the Vice-Chairman's signature on the letter to the South Dakota Public Utilities Commission and to add this as a discussion item at the April 7, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

38. Staff Items

A. Growth Management Staffing Levels

Elkins advised that Renee Catron-Blair had a baby boy on February 2, 2005 and would be on maternity leave for approximately eight weeks. Elkins thanked staff for their hard work in Catron-Blair's absence and thanked the Planning Commission for their continued support.

39. Planning Commission Items

A. New Planning Commission Member

Elkins welcomed Doug Andrews to the Planning Commission. She added that he is the three-mile representative.

B. Planning Commission Assignment for the February 21, 2005 City Council Meeting

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Elkins advised that Martha Rodriguez has resigned from the Planning Commission and that she was scheduled to be the Planning Commission representative at the February 21, 2005 City Council meeting.

Hadcock stated that she would attend the February 21, 2005 City Council meeting.

C. Election of Planning Commission Secretary

Brown entertained nominations for Secretary.

Hadcock nominated Andrews.

Nominations ceased. Hadcock moved, seconded by Schmidt and unanimously carried to elect Doug Andrews as Planning Commission Secretary. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)

C. Minimum Security Prison along North Elk Vale Road

In response to a question by Prairie Chicken, Elkins advised that platting of this property was approved and all issues were addressed. She noted that the Federal Emergency Management Agency is currently reviewing the floodplain map revisions.

D. Dark Sky Ordinance

Anderson asked if staff could prepare a Dark Sky Ordinance for Planning Commission's review.

Discussion followed concerning Planning Commission reviewing and prioritizing projects.

Elkins stated that she would prepare a list of projects that the Planning Commission has requested staff to work and place it on a future Planning Commission agenda as a discussion item.

There being no further business, Prairie Chicken moved, seconded by Hadcock and unanimously carried to adjourn the meeting at 8.19 a.m. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt all voting yes and none voting no)