

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 24, 2005

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

STAFF PRESENT: Marcia Elkins, Gary Shepherd, Vicki Fisher, Todd Tucker, Linda Foster, Karen Bulman, Michelle Horkey, Bob Dominicak, Bill Knight, Dave Johnson, Joel Landeen and Risë Ficken.

Vice-Chairperson Brown called the meeting to order at 7:01 a.m.

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

Schmidt requested that Items 11, 12 and 17 be removed for separate consideration.

Andrews moved, Anderson seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 11, 12 and 17. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 10, 2005 Planning Commission Meeting Minutes.
2. No. 04AN009 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the March 10, 2005 Planning Commission meeting at the applicant's request.

3. No. 04AN010 - Section 35, T1N, R7E
A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** in the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the March 10, 2005 Planning Commission meeting at the

applicant's request.

4. No. 05AN001 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Petition for Annexation** on Government Lot 4, the unplatted portion of the SE1/4 SW1/4, and the unplatted portion of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Petition for Annexation be continued to the March 24, 2005 Planning Commission meeting at the applicant's request.

5. No. 04PL097 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

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

6. No. 04PL185 - Owen Hibbard Subdivision
A request by Black Hills Surveying to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission recommended that the Preliminary Plat be continued to the March 10, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

7. No. 04PL193 - Cavern Crest Subdivision
A request by Daniel P. Wegner to consider an application for a **Preliminary Plat** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2680 Cavern Road.

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

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

showing the existing structures, well locations, extension of water service lines, mound system for each lot as well as existing and proposed approaches along Cavern Road shall be submitted for review and approval;

2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 3. Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
 4. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains and lines shall be submitted for review. Data to confirm that proposed on-site well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed;
 5. Prior to submittal of the Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "all future on-site wastewater disposal systems should be mound systems, holding tanks or evapotranspiration systems only"; and,
 6. Prior to submittal of a Final Plat application, the applicant shall submit a plat document showing the proper street name and dedicated right-of-way for Cavern Road and the title revised to read, "Lot 4A and 4B of Tract 2 Revised of Cavern Crest Subdivision (Formerly Lot 4 of Tract 2 Revised of Cavern Crest Subdivision)" and shall show the required Final Plat certificates; and,
 7. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan shall be implemented.
8. No. 04PL194 - Elks Country Estates
A request by Sperlich Consulting, Inc. for Dennis Zandstra to consider an application for a **Layout and Preliminary Plat** on Jolly Lane Right-of-Way 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 Layout and Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings and submitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management staff;

2. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, typical sections be revised as per the Street Design Criteria Manual or an Exception to the manual be submitted;**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the required "Final Plat Certificates" and Title; and,**
5. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

9. 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 March 10, 2005 Planning Commission meeting to allow staff time to review recently submitted construction plans.

10. No. 05PL018 - Canyon Lake Senior Citizens Center

A request by Renner & Associates for the Canyon Lake Senior Citizen Center to consider an application for a **Preliminary Plat** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Canyon Lake Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, construction plans for Canyon Lake Drive shall be submitted for review and approval. In particular, the construction plans shall show the construction of a sidewalk along the southeast side of Canyon Lake Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained;**

4. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the numerous easements located on the property; and,**
6. **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.**

13. No. 05PL022 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for a **Layout Plat** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Layout Plat be continued to the March 24, 2005 Planning Commission meeting to allow the applicant to revise the plat document.

14. No. 05SR004 - Sections 9, 16, 17 and 20, T1N, R8E

A request by Ron Blum for Montana-Dakota Utilities Co. to consider an application for an **11-6-19 SDCL Review to allow the construction of natural gas distribution underground pipeline mains in a public right-of-way** in the Elk Vale Road right-of-way extending between the intersection with S.D. East Highway 44 to S.D. Highway 79 South, located in Sections 9, 16, 17 and 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Elk Vale Road south of S.D. East Highway 44.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of natural gas distribution underground pipeline mains in a public right-of-way be approved with the following stipulations:

1. **Prior to initiation of construction, a Right-of-Way Construction Permit shall be obtained from the South Dakota Department of Transportation; and,**
2. **Prior to initiation of construction of the Elk Vale Road pipeline main crossing, the applicant shall coordinate the crossing point with City staff to insure there are no conflicts.**

15. No. 05SR007 - Section 28, T1N, R7E

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Reivew to allow the construction of a lift station** on the unplatted portion of the NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Sheridan Lake Road and east of Red Rock Estates.

Planning Commission recommended that the SCDL 11-6-19 Review be

continued to the March 10, 2005 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 05VE001 - Elks Country Estates
A request by Sperlich Consulting for Kaski Homes to consider an application for a **Vacation of a Non-Access Easement** on Lot 11, Block 10, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Padre Drive and Sawgrass Court.

Planning Commission recommended that the Vacation of a Non-Access Easement be continued to the March 24, 2005 Planning Commission meeting.

18. 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 March 10, 2005 Planning Commission Meeting to allow the applicant to obtain the required signatures on the vacation application.

19. No. 05VR001 - Section 27, T1N, R7E
A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Vacation of Section Line Right-of-Way** on Lots 1 and 2 of Utility Subdivision and NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Planning Commission recommended that the Vacation of Section Line Right-of-Way be continued to the March 10, 2005, Planning Commission meeting to allow all associated applications to be heard concurrently.

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

11. No. 05PL019 - Moon Meadows Estates Subdivision
A request by Joel Boylan to consider an application for a **Preliminary Plat** on Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 3025 Moon Meadows Drive.

Schmidt requested clarification concerning the requirement for dedication of additional right-of-way.

Fisher responded that Moon Meadows Road is identified as an arterial street and will require a 100 foot wide right-of-way. Fisher indicated that an additional 17 feet must be dedicated on each side of the existing 66 foot right-of-way or a variance to the requirement must be obtained.

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, a revised structural site plan shall be submitted for review and approval identifying the location of the existing on-site well and wastewater system;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the Planning Commission, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed than it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Moon Meadows Drive shall be submitted for review and approval. In particular, the road construction plans shall show Moon Meadows 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. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along Moon Meadows Drive;**
- 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Moon Meadows Drive except for the approved approach location(s);**
- 7. Prior to submittal of a Final Plat application, the plat document shall be revised to include the township, range and section in the plat title and to correct the lot number on the adjacent property from Lot 21 to Lot 20;**

8. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and,
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

12. No. 05PL021 - South Pointe Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** on Lots 1-18 of Block 1; Lots 1-12 of Block 2; Lots 1-16 of Block 3; and Lots 1-7 of Block 4, South Pointe Subdivision, all located in the E1/2 NE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Parkview Drive.

In response to a question from Schmidt, Fisher stated that the applicant is working on revisions to information previously submitted for the Preliminary Plat. Fisher indicated that staff believes that the applicant can resolve the outstanding issues prior to City Council approval.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including an erosion control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed. Miscellaneous documents securing drainage easement(s) on adjacent properties shall be recorded at the Register of Deed's Office as needed;
3. Prior to Preliminary Plat approval by the City Council, construction easements to allow grading on adjacent properties shall be obtained and recorded at the Register of Deed's Office as needed;
4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the proposed center island located in South Pointe Drive does not hamper access to proposed Lot 1 of Block 1;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the northern 650 feet of Parkview Drive as it abuts the subject property. In addition, the plat document shall be revised to show the dedication of the west half of the right-of-way for Parkview Drive located on the adjacent property(s) or the west half of the right-of-way shall be dedicated as a part of a separate platting proposal or a Variance to the Subdivision

6. Regulations shall be obtained to allow platting half of a right-of-way; Prior to Preliminary Plat approval by the City Council, a revised Master Plan, including private utilities, shall be submitted for review and approval;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Parkview Drive as it abuts Lot 1 of Block 1, Lots 9 and 16 of Block 3 and Lots 1 and 4 of Block 4. In addition, a 75 foot non-access easement shall be shown along all corner lots abutting Parkview Drive. A non-access easement shall also be shown along Enchanted Pines Drive. A minimum 50 foot non-access easement shall be shown along the balance of the corner lots within the proposed development;
 9. The International Fire Code shall be continually met;
 10. Prior to submittal of a Final Plat application, a different street name for South Pointe Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
 11. Prior to submittal of a Final Plat application, a different subdivision name shall be submitted to the Register of Deed's Office for review and approval. In addition, the plat document shall be revised to show the approved subdivision name; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)
17. No. 04VR011 - Millard Addition
A request by Lyle Henriksen for Chase & Company, LPI to consider an application for a **Vacation of Right-of-Way** on that portion of Greenway Street right-of-way lying between the east line of Holcomb Avenue right-of-way and a line between the south corner of Lot 3 and the east corner of Lot 19 of Block 1 of Millard Addition, located in NE1/4 of NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Greenway Street between Holcomb Avenue and North Maple Avenue.

In response to a question from Schmidt, Elkins explained that the information requested from the applicant must be provided by March 11, 2005 to allow staff adequate time to review the new information and prepare and distribute a revised staff report for the April 7, 2005 Planning Commission meeting. Discussion followed.

Schmidt moved, Anderson seconded and unanimously carried to continue the Vacation of Right-of-Way to the April 7, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock,

Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Brown announced that the Public Hearings on Items 20 through 56 were opened.

Staff requested that Items 48, 50 and 55 be removed for separate consideration.

Hadcock requested that Item 47 be removed for separate consideration.

Schmidt requested that Item 53 be removed for separate consideration.

A member of the audience requested that Item 52 be removed for separate consideration.

Andrews moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 56 in accordance with the staff recommendations with the exception of Items 47, 48, 50, 52, 53 and 55. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 20 through 56 were closed.

20. No. 04CA029 - Hyland Park Subdivision

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

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the March 10, 2005 Planning Commission meeting at the applicant's request.

21. No. 04RZ037 - Hyland Park Subdivision

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

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the March 10, 2005 Planning Commission meeting at the applicant's request.

22. No. 04SV042 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install**

curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code in the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way; and, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the March 10, 2005 Planning Commission meeting at the applicant's request.

*23. No. 04PD082 - Nowlin and Wood Addition

A request by Fisk Land Surveying & Consulting Engineers to consider an application for a **Planned Commercial Development - Final Development Plan** on the north 318.90 feet of Lot 16 of the replat of Block 31 of Nowlin and Wood Addition excepting therefrom Lots H1, H2 and H3, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North LaCrosse Street.

Planning Commission recommended that the Planned Commercial Development - Final Development Plan be continued to the March 10, 2005 Planning Commission meeting.

24. 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 unit per two acres to Planned Residential Development with 1.5 dwelling units per 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 N88°31'55"W - 119.66 feet thence N72°48'55"W - 440.87 feet, thence S26°29'59.8"W - 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°04'36.6"E -

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.

Planning Commission recommended that the Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on that portion of the property located in Section 24, T1N, R7E, BHM, be approved as Planned Residential Development with a maximum density of 1.5 dwelling units per acre and that the balance of the request be denied without prejudice.

25. No. 05CA003 - Sections 27 and 34, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers 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 81.81 acre parcel from Park Forest to Business Park** on the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM less the west 420 feet thereof and the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, less the west 420 feet thereof, Rapid City, Pennington County, South Dakota, more generally described as being located at the 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 81.81 acre parcel from Park Forest to Business Park be approved.

26. No. 05CA004 - Sections 27 and 34, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers 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 9.09 acre parcel from Park Forest to Light Industrial** on the east 100 feet of the west 420 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM and the east 100 feet of the west 420 feet of the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the 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 9.09 acre parcel from Park Forest to Light Industrial be approved.

27. No. 05CA005 - Section 27, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers 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 9.7 acre parcel from 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 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 9.7 acre parcel from Agriculture to Light Industrial be approved.

28. No. 05CA006 - Section 26, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers 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 20 acre parcel from Park Forest to a Planned Residential Development with a maximum density of one dwelling unit per three acres** in the SE1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the 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 20 acre parcel from Park Forest to a Planned Residential Development with a maximum density of one dwelling unit per three acres be approved.

29. No. 05CA007 - Section 26, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers 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 20 acre parcel from Park Forest to Medium Density Residential** in the NW1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the 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 20 acre parcel from Park Forest to Medium Density Residential be approved.

30. No. 05RZ004 - Sections 27 and 34, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Business Park District** in the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM less the west 420 feet thereof and the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, less the west 420 feet thereof, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road.

Planning Commission recommended that the Rezoning from Public District to Business Park District be approved contingent upon the Comprehensive Plan amendment being approved.

31. No. 05RZ005 - Sections 27 and 34, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Light Industrial District** on the west 420 feet of the SE1/4 SE1/4 of Section 27 and the west 420 feet of the E1/2 NE1/4 of Section 34, all in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road.

Planning Commission recommended that the Rezoning from Public District to Light Industrial District be approved contingent upon the Comprehensive Plan amendments being approved.

32. No. 05RZ006 - Section 26, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Medium Density Residential District** in the NW1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road.

Planning Commission recommended that the Rezoning from Public District to Medium Density Residential District be approved contingent upon the Comprehensive Plan amendment being approved.

33. No. 05RZ007 - Section 26, T2N, R7E

A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Low Density Residential District** in the SE1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road.

Planning Commission recommended that the Rezoning from Public District to Low Density Residential District be approved contingent upon the Comprehensive Plan amendment being approved.

34. No. 05CA008 - Auburn Hills Subdivision

A request by Sperlich Consulting for Doeck, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of

43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, more generally described as being located in the Auburn Hills Subdivision.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential be continued to the March 10, 2005 Planning Commission Meeting.

35. No. 05RZ009 - Auburn Hills Subdivision

A request by Sperlich Consulting for Doeck, LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of

457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, more generally described as being located in the Auburn Hills Subdivision.

Planning Commission recommended that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the March 10, 2005 Planning Commission meeting.

36. No. 05CA009 - Sections 15, 16 and 21, T2N, R7E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation from Agriculture to Light Industrial** on that portion of the SW1/4 lying northwest of Deadwood Avenue right-of-way and the west 34 feet of the Deadwood Avenue right-of-way, located in the SW1/4 of Section 15, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; that portion of the SE1/4 of Section 16 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and that portion of the E1/2 of Section 21 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Deadwood Avenue right-of-way lying north of Interstate 90.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on approximately 170 acres from General Agriculture to Light Industrial be approved.

37. No. 05CA010 – Airport Neighborhood Area Future Land Use Plan

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan adopting the Airport Neighborhood Area Future Land Use Plan** in T1S, R9E – All of Section 1 located in the NE1/4 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way located in the NE1/4 of Section 1, all located in T1S, R9E, BHM, Pennington County, South Dakota; T1N, R8E – All of Section 1, the E1/2 and the E1/2W1/2 of Section 2, the E1/2 and the E1/2W1/2 of Section 11, all of Sections 12 and 13, those portions of the E1/2 and the E1/2W1/2 of Section 14 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 14, and that portion of the N1/2 of Section 24 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 24, all located in T1N, R8E, BHM, Pennington County, South Dakota; T1N, R9E – The W1/2 of Section 1, all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, all of Sections 12, 13, 14, 15, 16, 17 and 18, that portion of Section 19 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 19, that portion of Section 20 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 20, all of Sections 21, 22, 23, 24, 25, and 26, that portion of Section 27 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 27, that portion of

Section 28 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 28, that portion of Section 29 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 29, that portion of Section 34 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 34, that portion of Section 35 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way in Section 35, and that portion of Section 36 lying north of the SD Highway 44 right-of-way including the north half of the SD Highway 44 right-of-way located in the Section 36, all located in T1N, R9E, BHM, Pennington County, South Dakota; T2N, R8E – The SE1/4 and the E1/2SW1/4 of Section 35 located in T2N, R8E, BHM, Pennington County, South Dakota; T2N, R9E – Lots 1, 10, 19, 20 and 21 of Morning View Subdivision, Lots B and C of the N1/2SW1/4, the E281.8' of the S150' of the N720' of Lot A of the NE1/4SW1/4, Utility Lot 1 of Lot B of Olson Subdivision, Lot A (replat of Lots 1-4) and Lots 5 and 6 of Bison Acres, Lots 1, 2, 3, 4, 5, 6, and 7 of Hidden Springs Ranchettes #2, and all right-of-way located in the S1/2 of Section 31, all located in the S1/2 of Section 31, the S1/2SW1/4 and the SE1/4 of Section 32, the S1/2 of Section 33, the S1/2 of Section 34, the S1/2 of Section 35 and the S1/2 of Section 36, all located in T2N, R9E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road, north of S.D. Highway 44, south of the ridge line between Interstate 90 and S.D. Highway 44 and west of 154th Avenue.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan by adopting the Airport Neighborhood Area Future Land Use Plan.

38. No. 05RZ010 - Sections 15, 16 and 21, T2N, R7E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on that portion of the SW1/4 lying northwest of Deadwood Avenue right-of-way and the west 34 feet of the Deadwood Avenue right-of-way, located in the SW1/4 of Section 15, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; that portion of the SE1/4 of Section 16 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and that portion of the E1/2 of Section 21 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Deadwood Avenue right-of-way lying north of Interstate 90.

Planning Commission recommended that the Rezoning from No Use to Light Industrial District be approved.

39. No. 05RZ011 - Section 27, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the west approximately 860 feet of Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I-90 at Exit 61.

Planning Commission recommended that the Rezoning from No Use

District to General Commercial District be continued to the March 24, 2005 Planning Commission meeting.

40. No. 05RZ012 - Section 27, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the east approximately 1537 feet of Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I-90 at Exit 61.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be denied without prejudice.

41. No. 05RZ013 - Section 27, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the easternmost 1824.64 feet of the SW1/4 of Section 27 lying south of Lot H7 of the SW1/4, all located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of Interstate 90.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be denied without prejudice.

42. No. 05CA011 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development be continued to the March 24,

2005 Planning Commission meeting.

43. No. 05RZ008 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the March 24, 2005 Planning Commission meeting at the applicant's request.

44. No. 05RZ014 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 S1/2, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N25°03'23"E a distance of 1436.68 feet to the point of beginning; thence N89°46'19"E a distance of 433.15 feet; thence along the arc of a curve to the left whose radius point bears N0°13'41"W, having a radius of 310.16 feet, a central angle of 18°42'55" and an arc length of 101.31 feet; thence east a distance of 3805.95 feet; thence south a distance of 1287.00 feet; thence west a distance of 1680.16 feet; thence north a distance of 208.66 feet; thence west a distance of 835.80 feet; thence south a distance of 208.66 feet; thence west a distance of 66.00 feet; thence north a distance of 208.66 feet; thence west a distance of 155.42 feet; thence N56°29'58"W a distance of 1920.16 feet to the point of beginning, containing an area of 96.1 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the March 24, 2005 Planning Commission meeting at the applicant's request.

45. No. 05RZ015 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on land located in the SE1/4 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South

Dakota; thence N75°03'36"E a distance of 5120.08 feet to the point of beginning; thence east a distance of 300.00 feet; thence south a distance of 970.00 feet; thence west a distance of 300.00 feet; thence north a distance of 970.00 feet to the point of beginning, containing an area of 6.7 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the March 24, 2005 Planning Commission meeting.

46. No. 05SV012 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC 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 as per Chapter 16.16 of the Rapid City Municipal Code** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 24, 2005 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

49. No. 05SV006 - Cavern Crest Subdivision
A request by Daniel P. Wegner to consider an application for a **Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2680 Cavern Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

51. No. 05SV009 - Canyon Lake Senior Citizens Center
A request by Renner & Associates for the Canyon Lake Senior Citizen Center to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and storm sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located at 2900 Canyon Lake Drive.

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

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

54. No. 05SV011 - Section 22, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** in the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 10, 2005 Planning Commission meeting to allow the applicant to obtain the property owner(s) signature and to allow the associated applications to be considered concurrently.

*56. No. 05UR002 - Section 28, T1N, R7E

A request by Dream Design International to consider an application for a **Conditional Use Permit to allow the construction of a lift station** on the unplatted portion of the NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Sheridan Lake Road and east of Red Rock Estates.

Planning Commission recommended that the Conditional Use Permit to allow the construction of a lift station be tabled.

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.

---END OF HEARING CONSENT CALENDAR---

47. No. 05OA001 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to amend Chapter 17.50.080.B to allow multi-family units.

In response to a question from Hadcock, Elkins explained that the proposed amendment will correct an omission of the term "multi-family" from a previous ordinance amendment.

Hadcock moved, Anderson seconded and unanimously carried to recommend that the Ordinance Amendment to amend Chapter 17.50.080 to allow multi-family units be approved. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

*48. No. 05PD004 - Schamber Subdivision

A request by Britton Engineering for Robert and Genae Sundby to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot A and Lot B of Lot 14 less the north 80 feet of the east 225 feet, Schamber Subdivision, SE1/4 SE1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1626 Evergreen Drive.

Elkins indicated that staff recommended that the Initial and Final Development Plan be continued due to serious concerns with the proposal and design as submitted. Elkins advised that there are a number of people in the audience that would like to speak to this issue.

Steven Brennan, Harmony Lane property owner, stated that the development of the subject property has been proposed and denied at least twice in the last 20 years. Brennan described issues related to the high water table in the area, access, poor drainage, existing traffic problems and difficulties associated with fire protection access to the property. Brennan expressed concern that the proposed development will hamper further development around the subject property. Brennan expressed his opinion that a second fire hydrant will be required on the property and stated his opposition to the project.

In response to a question from Schmidt, Brennan clarified that he feels that the development proposal for the site is too intensive and noted his concerns with fire safety, access to the property, traffic and he expressed his preference to see the property developed with single family residences.

Gary Shepherd, Harmony Lane resident, expressed concerns related to the high water table and inadequate road width. Shepherd indicated that he would like to review additional information identifying how the applicant intends to address these concerns.

Bill Knight, Rapid City Fire Department, stated that access to the subject property does not meet minimum requirements. Knight commented that fire sprinkler systems would be required in the residences. Knight acknowledged that there are existing traffic congestion issues in the neighborhood.

In response to a question from Hadcock concerning the water table, Bob Dominicak advised that staff has requested soil borings on the property. Hadcock stated that she would like to review the information.

Larry Kaiser, Leland Lane resident, stated that he is not currently experiencing water problems and his property and he asked how the development of the subject property will impact the water table and drainage. Kaiser noted that the proposed 19 foot drive on the south edge of the proposed addition will be located 15 feet from the back of his house. Kaiser indicated that the proposed density for the property far exceeds what the neighborhood will support. Kaiser objected to the proposed access and requested that access to the property be taken from 32nd Street. Kaiser stated that he would like the privacy fence to be eight feet high as opposed to six feet high and would like the privacy fence installed prior to any construction on the subject property.

Bud Johnson, Leland Lane resident, indicated that he concurs with the concerns expressed by the previous speakers. Johnson added that he believes that the 21 foot access proposed for the property will be used as a public roadway. Johnson stated that a noise buffer should also be provided between the new development and the existing residences.

Cleland Battista, 3322 Leland Lane, expressed concerns regarding the water table and the proposed access road for the property. Battista expressed concern with the setbacks identified for the proposed townhouses. Battista spoke in support of continuation of the application so that additional research can be completed.

Anderson moved and Hadcock seconded to continue the Planned Residential Development - Initial and Final Development Plan to the March 24, 2005 Planning Commission meeting.

Prairie Chicken stated that he is familiar with the area and acknowledged that the roads are very narrow. Prairie Chicken requested clarification for the reasons that the previous applications for the subject property were denied. Elkins stated that the reasons for denial of the previous applications were similar to those cited by area residents today. Elkins added that it is her recollection that the density of the current proposal is less intensive than previous proposals.

The motion unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the March 24, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

50. No. 05SV008 - Springbrook Acres Subdivision

A request by Davis Engineering, Inc. for Don and Cherril Brown to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** 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.

Fisher identified the location of the subject property and stated that Estates Drive and Foothills Drive are not built to City street design standards. Fisher reviewed the exceptions associated with the variance application and presented slides of the property. Fisher reviewed the staff's recommendations in detail. Fisher indicated that after discussions with the Fire Department staff the recommendation has been revised to approve the Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive.

Ron Davis, Engineer for applicant, spoke to staff's recommendation to deny the applicant's request to allow 164 homes with one point of access. Davis stated that the owner of the subject property is willing to make a road connection and participate in the cost of constructing a secondary access point. Davis indicated that the homeowner associations for the Fairway Hills PRD and the Springbrook Acres development will not permit access to their private road systems from the subject property. Davis suggested that the addition of four more units will not significantly contribute to the existing safety concerns.

Schmidt expressed concern that the current 160 units with only one point of access is an existing safety issue and he stated that he does not feel it is appropriate to approve the construction of four additional units.

Hadcock expressed her opinion that the applicant should not be prohibited from developing his property because the adjacent property owners will not authorize a second access point.

Discussion followed concerning recent fires in the Springbrook Acres Subdivision and access and turnaround issues associated with the private road system.

Davis commented that the Park Forest zoning on the property would allow as many as eight lots to be created noting that the applicant is proposing five lots.

Hadcock moved and Andrews seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Foothills Drive be tabled and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Foothills Drive and to install curb and gutter along Estates Drive be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show Estates Drive and Foothills Drive as easement(s) in lieu of public right-of-way.**

to recommend that the Exception to allow 164 dwelling units with one point

of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be approved;

to recommend that the Exception to allow Foothills Drive as a 1,390 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac be approved with the stipulation that an intermediate turnaround be provided every 600 feet and that a Wild Fire Mitigation Plan be submitted for review and approval. In addition, the Wild Fire Mitigation Plan shall be implemented;

to recommend that the Exception to allow Estates Drive as a 750 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac with no intermediate turnarounds every 600 feet be approved with the stipulation that the driveway(s) be designed to allow fire apparatus access;

to recommend that the Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive be approved; and,

to recommend that the Exception to allow a 2.1 side slope grade along Foothills Drive be granted.

Schmidt, Anderson, and Prairie Chicken stated opposition to the proposal to approve an Exception to allow 164 dwelling units with one point of access in lieu of 40 dwelling units.

Upon roll call vote, the motion as stated above failed. (2 - 5 with Andrews and Hadcock voting yes and with Anderson, Brown, Fast Wolf, Prairie Chicken and Schmidt voting no)

Schmidt moved and Anderson seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Foothills Drive be tabled and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Foothills Drive and to install curb and gutter along Estates Drive be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show Estates Drive and Foothills Drive as easement(s) in lieu of public right-of-way;**

to recommend that the Exception to allow 160 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied;

to recommend that the Exception to allow Foothills Drive as a 1,390 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac be approved with the stipulation that an intermediate turnaround be provided every 600 feet and that a Wild Fire Mitigation Plan be submitted for review and approval. In

addition, the Wild Fire Mitigation Plan shall be implemented;

to recommend that the Exception to allow Estates Drive as a 750 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac with no intermediate turnarounds every 600 feet be approved with the stipulation that the driveway(s) be designed to allow fire apparatus access;

to recommend that the Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive be approved; and,

to recommend that the Exception to allow a 2.1 side slope grade along Foothills Drive be granted.

Elkins distributed a facsimile to the Planning Commission members that had just been received containing public comment on the requested subdivision variance.

The motion as stated above carried. (6 to 1 with Anderson, Andrews, Brown, Fast Wolf, Prairie Chicken and Schmidt voting yes and with Hadcock voting no)

52. No. 05SV010 - Moon Meadows Estates Subdivision

A request by Joel Boylan 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 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 3025 Moon Meadows Drive.

Charles Mordhorst advised that he owns 15 acres across the street from the proposed subdivision. Mordhorst requested that the application be continued so that he could talk with Pennington County planning officials concerning the proposed building setbacks, slope, sewer system and aesthetics.

The applicant indicated that she is not opposed to continuing the application for two weeks.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 10, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

53. No. 05RZ003 - Section 22, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Rezoning from General Agriculture District to Park Forest District** in the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Schmidt requested clarification concerning the letter received from Haugo Broadcasting Company. Elkins responded that Haugo Broadcasting Company has not signed an associated petition for Vacation of Right of Way noting staff's recommendation to continue the application to the March 10, 2005 Planning Commission meeting.

Schmidt moved, Anderson seconded and unanimously carried to recommend that the Rezoning from General Agriculture to Park Forest be continued to the March 10, 2005 Planning Commission to allow the Rezoning request to be considered concurrently with the Comprehensive Plan Amendment application. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)

*55. No. 05UR001 - Jackson View Addition

A request by Gary French for Rausch Monument to consider an application for a **Major Amendment to a Conditional Use Permit to allow signs and awnings** on Lot 3B and all of Lot 4 and N1/2 of Lot 5 in Railroad Block 3 of Jackson View Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1116 Jackson Boulevard.

Bulman requested that the Planning Commission note a typographical error contained in the staff report. Bulman clarified that the awnings are to be 30 inches in height as opposed to 30 feet.

Hadcock moved, Andrews seconded and unanimously carried to recommend that the Major Amendment to a Conditional Use Permit to allow signs and awnings be approved with the following stipulations:

- 1. All awnings shall comply with the International Building Codes;**
- 2. A building permit shall be obtained prior to the erection of the awnings;**
- 3. A sign permit shall be obtained prior to erection of signage;**
- 4. All awnings shall be maintained in a neat and orderly appearance; and,**
- 5. The stipulations of the Conditional Use Permit to allow monument sales and engraving in a General Commercial Zoning District (04UR008) must be continually met. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes and none voting no)**

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Prairie Chicken left the meeting at this time.

Fisher requested that Items 57 and 58 be considered concurrently.

57. 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.

58. 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 feet 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 presented the requests and reviewed the slides. Fisher stated that a revised master plan as not been submitted by the applicant showing the proposed road connections around the subject property. Fisher stated that staff recommends that the Layout Plat be continued to allow the applicant to submit the master plan.

Al Foster, agent for applicant, requested that the stipulations of approval for the Layout Plat be revised to allow submittal of the Master Plan with the Preliminary Plat application. Foster advised that his client has indicated that if it is determined that additional plan revisions are required as a result of submitting the Master Plan with the Preliminary Plat, he is willing to pay the engineering costs for those revisions.

Olson requested clarification concerning the applicant's request to waive the requirement to construction sidewalks.

Foster indicated that walking paths are proposed around the entire perimeter within the development noting that the walking path will connect to Nugget Gulch Road. Foster added that sidewalks will be constructed along Nugget Gulch Road.

Fisher indicated that the Layout Plat submitted for the adjacent property contains a stipulation of approval requiring that a walking path or sidewalk be provided between Nugget Gulch Road and Sheridan Lake Road.

In response to a question from Schmidt, Foster advised that the applicant will execute a waiver of right to protest future assessments for improvements along Catron Boulevard.

In response to a question from Andrews, Foster stated that the applicant is proposing a 255 unit apartment complex noting that a second point of access to the property will be located along Catron Boulevard.

Fisher commented that a number of issues will be reviewed with the submission of the Final Development Plan.

Hadcock moved and Andrews seconded to recommend that the Layout Plat be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, topographic information, at five foot intervals, shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a detailed over lot grading plan shall be submitted for review and approval. In addition, geotechnical information addressing potential slope stability issues shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a detailed drainage plan, including calculations and details of on-site detention, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
4. Upon submittal of 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;
5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities through the subject property as well as to adjacent properties;
7. Upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the installation of curb, gutter, sidewalk and sanitary sewer along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans for Nugget Gulch Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 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;
9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Catron Boulevard except for approved approach location(s);
10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the .5 acre unplatted parcel and the 6.3 acre unplatted parcel as lots;
11. Prior to Planning Commission approval, a Master Plan for the balance of the property shall be submitted for review and approval. In addition, the Layout Plat shall be revised to include street(s) needed to serve the balance of the property;
12. All International Fire Code shall be continually met;
13. Upon submittal of a Preliminary Plat application, a subdivision

- estimate form shall be submitted for review and approval;**
- 14. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained; 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; and,**

to recommend that the Variance to the Subdivision Regulation to waive the requirement to install sewer along Catron Boulevard be denied and that the Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk and sanitary sewer along Catron Boulevard as per chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

Discussion followed concerning including and/or designating park land in new development areas, open space requirements in planned developments, and the review of the area by the Future Land Use Committee.

Foster requested clarification concerning whether the motion on the floor includes modifications to stipulation number 11 stating that the Master Plan may be submitted with the Preliminary Plat.

Elkins explained that if major issues are missed at the Layout Plat, the applicant may incur significant costs associated with engineering redesign. Elkins stated that the if applicant understands that additional engineering issues may need to be addressed, staff has no objection reviewing the Master Plan in conjunction with the Preliminary Plat application.

Leon Martin with Belgarde Enterprises requested that the Layout Plat be approved at this time. Martin indicated that he is willing to address the concerns that are identified as part of the Master Plan review in conjunction with the Preliminary Plat. Martin stated that he feels these issues can be addressed during the process and requested that the Planning Commission keep the process moving.

Schmidt concurred with staff's recommendation and he stated that he feels it is important for the Planning Commission to review the Master Plan concurrently with the Layout Plat.

Schmidt made a substitute motion to continue the Layout Plat application to the March 10, 2005 Planning Commission meeting to allow the applicant to submit the Master Plan.

The motion died due to the lack of a second.

In response to a question from Hadcock, Elkins indicated that if the Master Plan is submitted concurrently with the Preliminary Plat, the Planning Commission would be able to review the plan before the applicant is permitted to start construction. Elkins stated that the applicant has indicated that he understands the risk that changes may need to be made to the Preliminary Plat based on the Master Plan submitted at that time.

Schmidt stated that he has no objection to approving the Layout Plat at this time as long as the applicant chooses to assume the risk for potential design changes to the Preliminary Plat.

Hadcock made a substitute motion, Fast Wolf seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, topographic information, at five foot intervals, shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a detailed over lot grading plan shall be submitted for review and approval. In addition, geotechnical information addressing potential slope stability issues shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a detailed drainage plan, including calculations and details of on-site detention, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 4. Upon submittal of 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;**
- 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities through the subject property as well as to adjacent properties;**
- 7. Upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the installation of curb, gutter, sidewalk and sanitary sewer along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Upon submittal of a Preliminary Plat application, road construction plans for Nugget Gulch Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 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;

9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Catron Boulevard except for approved approach location(s);
10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the .5 acre unplatted parcel and the 6.3 acre unplatted parcel as lots;
11. Upon submittal of a Preliminary Plat application, a Master Plan for the balance of the property shall be submitted for review and approval. In addition, the Layout Plat shall be revised to include street(s) needed to serve the balance of the property;
12. All International Fire Code shall be continually met;
13. Upon submittal of a Preliminary Plat application, a subdivision estimate form shall be submitted for review and approval;
14. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained; 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; and,

to recommend that the Variance to the Subdivision Regulation to waive the requirement to install sewer along Catron Boulevard be denied and that the Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk and sanitary sewer along Catron Boulevard as per chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

Tucker requested that Items 59 and 60 be considered concurrently.

59. No. 05PL016 - MDU Regulator #83

A request by Ron Blum for Montana-Dakota Utilities Co. to consider an application for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.

60. No. 05SV007 - MDU Regulator #83

A request by Ron Blum for Montana-Dakota Utilities Co. to consider an application for a **Variance to the Subdivision Regulations to waive the**

requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the unplatted portion of N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.

Tucker presented the requests and noted staffs recommendation to continue the applications to the March 10, 2005 Planning Commission meeting.

Andrews moved, Hadcock seconded and unanimously carried to recommend that the Preliminary Plat be continued to the March 10, 2005 Planning Commission Meeting; and,

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 10, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

Fisher requested that Items 61 and 62 be considered concurrently.

61. No. 05PL020 - Plum Creek Phase II

A request by Centerline for Plum Creek Development to consider an application for a **Layout Plat** on Plum Creek Phase II located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Willowbend Road and the Southeast Connector.

62. No. 05SE002 - Plum Creek Subdivision

A request by Centerline for Plum Creek Development to consider an application for an **Exception to allow platting four lots within a Study Area - Plum Creek Subdivision** in Plum Creek Subdivision located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Willowbend Road.

Fisher presented the requests and noted that the proposed plat lies within a Study Area established by the City Council. Fisher stated that the Council's action prohibits platting within the Study Area.

Discussion followed concerning the status of the Study Area at the City Council level.

Andrews moved, Schmidt seconded and unanimously carried to recommend that the Layout Plat be denied based on the City Council's

action creating a Study Area; and, to recommend that the request to allow platting four lots within a Study Area - Plum Creek Subdivision be denied. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

Tucker requested that 63, 64 and 65 be considered concurrently.

63. No. 05CA002 - Section 9, T1N, R7E

A request by Faulk & Foster for Western Wireless Corp. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an 6.74 acre parcel of land from Flood to Public** on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Schambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive.

64. No. 05RZ002 - Section 9, T1N, R7E

A request by Faulk & Foster for Western Wireless Corp. to consider an application for a **Rezoning from Park Forest District to Public District** on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Schambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive.

65. No. 05SR002 - Section 9, T1N, R7E

A request by Faulk & Foster for Western Wireless Corp. to consider an application for an **11-6-19 SDCL Review to allow the construction of a cellular communications tower and equipment shelter on public property** on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more

particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Chambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence $S74^{\circ}32'00''W$ along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence $S36^{\circ}00'00''W$ along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence $S89^{\circ}44'48''E$ along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive.

Tucker presented the requests and reviewed the slides noting that the applicant is present in the audience.

Ralph Wyngarden of Faulk and Foster, representative for Western Wireless, thanked staff for their assistance on the applications. Wyngarden stated that he has no objection to the continuance of the applications to March 24, 2005 Planning Commission meeting. Wyngarden compared the construction of cellular tower facilities to the construction of utilities for new residential and commercial subdivisions. Wyngarden reviewed the typical cellular system needs for a small community versus the needs of a larger market such as Rapid City with topography issues. Wyngarden stated that additional new cellular telephone users place a burden on the system noting that the existing system in this area is at capacity and is experiencing dropped calls. Wyngarden identified two cellular tower sites serving the area, a 150 foot monopole at the switch site in the West Park Plaza on West Chicago street and the tower located at Fire Station Number Six. Wyngarden explained that the proposed location in the middle of these two towers. Wyngarden added that there are no existing towers or tall structures in this area where they can co-locate their antennae. Wyngarden stated that in this area all properties are zoned residential with the exception of Arrowhead and Meadowbrook Golf Courses noting that the golf courses were evaluated and rejected. Wyngarden commented that staff identified the subject property as a possible alternative for location of the cellular tower noting possible neighborhood objections and concerns. Wyngarden stated that the subject property is the only possible property in the area where a cellular tower can be located. Wyngarden described discussions between the applicant and the neighboring property owners held on the site on February 10, 2005. Wyngarden stated that there would be no exterior antennae arrays on the proposed cellular tower. Wyngarden reviewed the status of the subject property in 2001 when the City Council gave consideration to selling the property on surplus and the decision at that time to designate the property as parkland at the request of the neighborhood. Wyngarden stated his commitment to work to address changes on site design to address the impact on the residential properties.

Schmidt requested that the applicant provide logs identifying the calls that are being disconnected and interrupted. Wyngarden stated that a drive test was completed in the last week and stated that he would provide trouble tickets and a listing of complaints from the area. Schmidt requested that additional

documentation for site selection and coverage area be provided for review. In response to a question from Schmidt, Wyngarden confirmed that they own a tower on Skyline Drive.

Discussion followed concerning potential alternative designs for the cellular tower that would make it less conspicuous.

In response to a question, Elkins explained that this area is not being used as a part of Meadowbrook Golf Course noting that another portion of property will likely be incorporated into the Meadowbrook Golf Course.

Schmidt requested that staff identify and example of where other properties are zoned Public District near residential areas. Elkins responded that school properties are generally zoned Public District and are located in residential areas.

In response to a question from Anderson, Elkins advised that the discussion at the City Council had been to lease the property to the applicant. Elkins added that the use of the property for park purposes must be determined by the City Council.

Anthony Hoben, 3111 Player Drive, suggested that additional or upgraded equipment be placed on Skyline Drive to address the company's coverage and capacity issues. Hoben requested clarification concerning whether previous attempts have been made to construct cellular towers in this area. Elkins responded that there was a proposal to locate a cellular tower in the area behind the Philly Ted's Steak and Pub on Jackson Boulevard. Elkins stated that the application was denied based on the location in an alley and neighborhood concerns that the tower might fall onto homes. Hoben stated his opinion that the cellular tower will be an eyesore noting that the impact of the tower on the natural beauty of the golf course should be taken into consideration.

Carole Hillard, adjacent property owner, expressed concern with the proposed placement of the cellular tower in a location completely surrounded by homes. Hillard stated that the tower would be in open view noting that the 100 foot tower and the accessory building could not be covered. Hillard added that the location of the tower in direct view of the golf course may have a negative impact on the tourists who use the facility. Hillard requested that the Planning Commission consider denying this request and preserve the residential aspect of this community.

Lisa Seaman, 3010 Player Drive, stated her opposition to the cellular tower proposal. Seaman expressed concern that there is no way to buffer the proposed commercial use from the neighboring residential properties. Seaman indicated that it is her understanding that the City Council's approval of the property as a park in 2001 was with the intent to expand and reconfigure two holes at Meadowbrook Golf Course. Seaman added that she believes a plan should be provided for reconfiguration of those two holes on Meadowbrook Golf Course to ensure that the cellular tower will not have a negative impact. Seaman commented that the applicant is a private company that will generate revenue

from the use of the tower. Seaman added that she feels State statutes clearly define the cellular tower is not an appropriate use for this site. Seaman suggested that other locations within the park system will provide a better buffer of the cellular tower from residential properties. Seaman suggested that additional antennae could be located on the lighting standards at local sports fields in an effort to blend in with the features that are existing in parks.

J.R. Hamblet, 2920 Evergreen Drive, advised that he is a professional at Meadowbrook Golf Course. Hamblet stated his opposition to the proposed cellular tower stating his opinion that the tower will be an eyesore and extremely obtrusive. Hamblet expressed concern with the radio activity that the tower may emit and noted that he has never had any problems with dropped calls in the area. Hamblet indicated that the area is used as a play area for children and a walking area for adults.

Eric Farrar, 3023 Player Drive, noted the proximity of his home to the site of the proposed cellular tower. Farrar stated that his family are cellular one users and have never had a problem with their phones in the area. Farrar expressed concern that the tower will be a blatant eyesore and will be located only 100 yards from his driveway. Farrar advised that his wife, Beth Farrar is a teacher at Central High School in the science department. Eric Farrar read a letter written by Beth Farrar to the Planning Commission concerning health risks associated with radio wave emissions. Eric Farrar requested that the Planning Commission deny the applicant's requests.

Brad Fisher, 3011 Player Drive, advised that he is a commercial lender at a local bank. Fisher objected to the placement of a commercial use in a residential neighborhood. Fisher asked if there are plans to remove the cellular towers as technology advances and the towers are no longer. Fisher commented that there are several similar towers already located in Rapid City and expressed concern regarding how many more towers the City will allow. Fisher asked if additional antennae will be co-located on the proposed tower. Fisher expressed concern that a cellular tower and accessory structure within clear view of his property may cause a decline in his property values. Fisher presented photographs showing images from the proposed cellular tower site and from his driveway. Fisher stated his opinion that the proposed zoning and placement of the tower are not appropriate in a residential area.

Jim McReynolds, area property owner, expressed concern that rezoning the property may allow other commercial activities, in addition to the cellular tower, to occur on the property. McReynolds requested clarification concerning how much noise that the cooling fans and other equipment on the structure would generate. McReynolds objected to any commercial activities on the subject property and stated his concurrence with the rest of the individuals speaking in opposition to the requests.

Schmidt moved and Anderson seconded to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on an 6.74 acre parcel of land from Flood to Public, the Rezoning from Park Forest District to Public District, and the 11-6-19 SDCL

Review to allow the construction of a cellular communications tower and equipment building on public property be continued to the March 24, 2005 Planning Commission meeting.

Olson reported that she met with the neighbors and representatives from the cellular company on the site. Olson indicated that staff is doing their job by being helpful and supportive of economic development and identifying potential sites for uses such as this. Olson noted that while she supports the change in the zoning to Public District; she concurs with the neighbors in that she is opposed to locating the monopole at this site. Olson stated her opinion that it is appropriate to use this property for golf course expansion and preserve this undeveloped piece of property.

Andrews stated that a cellular tower is not appropriate at this location noting that he cannot support the requests.

The motion carried unanimously to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on an 6.74 acre parcel of land from Flood to Public, the Rezoning from Park Forest District to Public District, and the 11-6-19 SDCL Review to allow the construction of a cellular communications tower and equipment building on public property be continued to the March 24, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

66. Discussion Items

A. Tax Increment Financing Guidelines

Fast Wolf moved, Schmidt seconded and unanimously carried to continue the discussion of Tax Increment Financing Guideline revisions to the March 10, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

B. Canyon Lake Overlay Proposed Ordinance

Elkins requested that the proposed Ordinance be continued for two weeks to allow staff to make minor revisions.

Schmidt moved, Andrews seconded and unanimously carried to continue the Canyon Lake Overlay proposed Ordinance to the March 10, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

67. Staff Items

None.

68. Planning Commission Items

Brown distributed a proposed Resolution requesting that the City Council adopt a comprehensive water and sewer system master plan. Brown stated that the existing sewer and water master plan is almost 30 years old and noted that it is important to update the plan.

Andrews moved, Hadcock seconded and unanimously carried to approve the Resolution recommending that the Rapid City Common Council adopt a comprehensive water and sewer system master plan and forward the Resolution to City Council. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock and Schmidt voting yes and none voting no)

There being no further business, Schmidt moved, Hadcock seconded and unanimously carried to adjourn the meeting at 9:42 a.m.