

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 24, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Debra Hadcock, Mike LeMay, Mel Prairie Chicken and Ethan Schmidt.

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

Andrews called the meeting to order at 7:00 a.m.

**Andrews called for quorum. Upon roll call, a quorum was established.**

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

**Staff requested that Item 24 be removed for separate consideration after Item 60 on the Planning Commission agenda.**

**Brown moved, Anderson seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 25 in accordance with the staff recommendations with the exception of Item 24. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

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

1. Approval of the March 10, 2005 Planning Commission Meeting Minutes.
2. 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 April 7, 2005 Planning Commission meeting at the applicant's request.**

3. 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 April 21, 2005 Planning Commission meeting at the applicant's request.**

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

**Summary of Adoption Action - 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 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°04'36.6E - 1658.97 feet along the Section Line to the point of Beginning, all located in the SW1/4 of Section 13; and, the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Fifth Street and Enchanted Pines Drive.

**Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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 approved the summary and authorized publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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 approved the summary and authorized publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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 approved the summary and authorized publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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** on 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 approved the summary and authorized publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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** on 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 approved the summary and authorized publication in the Rapid City Journal.**

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

**Summary of Adoption Action - 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 north of Interstate 90 and Deadwood Avenue.

**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**

11. No. 05CA010 – Airport Neighborhood Area Future Land Use Plan  
**Summary of Adoption Action - Amendment to the Comprehensive Plan adopting the Airport Neighborhood Area Future Land Use Plan** on 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 approved the summary and authorized publication in the Rapid City Journal.**

12. No. 05PL035 - Brookfield Subdivision

A request by Sperlich Consulting for Doeck LLC to consider an application for a **Layout Plat** on the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of West Nike Road and north of Viking Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;**
2. **Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
4. **Upon submittal of a Preliminary Plat, the proposed rights-of-way must be shown with the proper pavement widths with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations must be obtained;**
5. **Upon submittal of a Preliminary Plat the applicant shall revise the street widths on the plat to accommodate on-street parking or provide a minimum of one stall per dwelling within 300 feet of each residence as per the Street Design Criteria Manual;**
6. **“No Parking” and other appropriate signs shall be installed if the street widths are not adjusted to allow for on-street parking;**
7. **Upon submittal of a Preliminary Plat, the applicant shall show that Cobalt Drive and West Nike Road connect providing the required second point of access and the existing extension of West Nike Road to the east be revised to “T” into Cobalt Drive;**
8. **Upon submittal of a Preliminary Plat, the applicant shall identify all**

existing and proposed street names for all streets provided within the subdivision, for review and approval;

9. Upon submittal of the 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;
10. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of the Preliminary Plat application, a drainage plan per the Rapid City Drainage Criteria Manual shall be submitted for review and approval. The plan shall demonstrate that post-development storm water discharges shall not exceed pre-development flow rates or on-site detention shall be provided for review and approval. The plan shall also identify all floodplain areas and any development in these areas shall comply with Chapter 15.32 and 16.12.210.C of the Rapid City Municipal Code;
12. Upon submittal of the Preliminary Plat application, a topographical drawing of the property and grading plan including existing and proposed grades and sediment and erosion control plans for all improved areas, shall be submitted for review and approval;
13. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met;
14. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review;
15. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
16. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

13. No. 05PL037 - North 80 Subdivision

A request by Sperlich Consulting for Dr. John Kharouf to consider an application for a **Layout Plat** on Lots A and B of Lot 1, North 80 Subdivision, Government Lot 2, SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, North 80 Subdivision, Government Lot 2, SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of 5th Street and East Stumer Road.

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

1. Upon submittal of a Preliminary Plat, the street name for the right-of-way abutting the subject property on the south shall be revised to read East Stumer Road;
  2. Upon submittal of a Preliminary Plat application, road construction plans for the access easement as it extends from the shared access easement on the east property line of the proposed Lot A through the proposed parking lot and terminating 25 feet from the north property line of the proposed Lot B designed in accordance with the City standards shall be submitted for review and approval. In particular, the access easement shall be constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  3. Upon submittal of a Preliminary Plat, the right-of-way lines for the Section Line Highway shall be removed;
  4. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  5. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
  6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer service shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water service shall be submitted for review;
  8. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
  9. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; and,
  10. 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.
14. No. 05PL039 - Wal-Mart Tract and Outlots 1-5  
A request by Buescher Frankenberg Associates for Wal-Mart Stores to consider an application for a **Layout Plat** on Wal-Mart Tract and Outlots 1-5 located in W1/2 of NW1/4 Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

more fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, thence S00°08'07"W, a distance of 868.68 feet to the point of beginning; Thence, first course: S03°29'32"W, a distance of 461.19 feet; Thence, second course: S00°00'00"W, a distance of 567.54 feet; Thence, third course: N83°15'19"W, a distance of 597.38 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°25'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the N 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; Thence, eleventh course: S83°15'19"E, a distance of 1150.19 feet, to the point of beginning. Said parcel contains 1,299,751.10 square feet or 29.8380 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

**Planning Commission acknowledged the applicant's request to withdraw the Layout Plat.**

15. No. 05PL040 - C.H.M.H. Subdivision and Tyler Knue Subdivision

A request by Cedar Hill Corporation to consider an application for a **Preliminary Plat** on Lots 6-17 of Block 5; Lots 1-8 of Block 10; Lots 1-5 of Block 11; and dedicated public right of way shown as Bunker Drive and Sagewood Street, all located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and Lot 22R of Block 1 of Tyler Knue Subdivision, and the remainder of the unplatted portion of the SW1/4 NW1/4, all located in the NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as lying south of Nicole Street, west of Brooke Street, and west of Northridge 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, the applicant shall demonstrate that drainage from the Rainbow Ridge Subdivision located directly west of the subject property has been included in the drainage analysis. In addition, the plat document shall be revised to show drainage easements as needed;**



3. **Prior to Preliminary Plat approval by the City Council, a Master Private Utility Plan for electric, gas, telephone, etc. shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
5. **The International Fire Code shall be continually met; and,**
6. **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.**

16. No. 05PL041 - Gravatt Subdivision

A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

**Planning Commission recommended that the Preliminary Plat be continued to the April 7, 2005 Planning Commission meeting.**

17. No. 05PL042 - Fountain Springs Park Subdivision

A request by Ted Schultz, CETEC Engineering for Generations Care LLC to consider an application for a **Preliminary Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13 and Outlot A of Block 1; and Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B and Outlot B of Block 2; and dedicated Right-of-Way of Fountain Springs Park Subdivision located in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, legally described as property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence with a curve turning to the right with a radius of 333.35 feet, with an arc length of 162.41 feet, with a chord bearing of S00°31'20"W, with a chord length of 160.81 feet, thence S70°21'18"E a distance of 53.52 feet; thence with a curve turning to the left with a radius of 170.00 feet, with an arc length of 111.14 feet, with a chord bearing of S89°03'38"E, with a chord length of 109.18 feet, thence N72°10'08"E a distance of 256.15 feet; thence N27°11'28"E a distance of 14.11 feet; thence N17°49'27"W a distance of 299.71 feet, thence with a curve turning to the left with a radius of 150.00 feet, with an arc length of 39.09 feet, with a chord bearing of N25°17'27"W, with a chord length of 38.98 feet, thence N57°03'08"E a distance of 52.02 feet; thence N72°10'27"E a distance of 106.15 feet; thence N37°50'06"W a distance of 288.93 feet; thence N17°25'37"W a distance of 272.77 feet; thence S72°11'49"W a distance of 374.64 feet; thence S27°54'22"E a distance of 156.63 feet; thence N72°42'29"E a distance of 96.05

feet; thence S17°26'50"E a distance of 160.91 feet; thence S37°51'20"E a distance of 289.96 feet; thence S17°48'48"E a distance of 117.76 feet, thence S76°34'02"W a distance of 263.53 feet; which is the point of beginning, having an area of 251,473.00 square feet, 5.773 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Harmony Heights Lane and Sunny Springs 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 Utility Master Plan showing electric, telephone, gas, etc. shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 4. The International Fire Code shall be continually met;**
- 5. Prior to submittal of a Final Plat application, drainage easements shall be recorded at the Register of Deed's Office to accommodate drainage flows from an adjacent apartment complex to the Wesleyan Boulevard right-of-way,**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Plaza Boulevard except for the approved approach location(s), the first 75 feet along the southwest corner of Lot 2A and the first 50 feet along the balance of the corner lots;**
- 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Plaza Boulevard or a Variance to the Subdivision Regulations shall be obtained; and,**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

18. No. 05RD001 - Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Resolution renaming DeGeest Street to DeGeest Drive** on the DeGeest Street right-of-way lying adjacent to Lots 1-15 of Block 11, Lots 1-15 of Block 12, Lots 1, 2 and 8 of Block 13 and Lots 1-5 of Block 14 all located in Big Sky Subdivision, and Lot 1 Revised of DeGeest Subdivision, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the Degeest Street Right-of-Way lying generally south of Homestead Drive.

**Planning Commission recommended that the Resolution renaming DeGeest Street to DeGeest Drive be approved.**

19. No. 05SE003 - Elks Country Estates

A request by Sperlich Consulting for Kaski Homes to consider an application for an **Exception to the Street Design Criteria Manual to allow access to be taken from the higher order street** 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 intersection of Padre Drive and Sawgrass Court.

**Planning Commission recommended that the Exception to the Street Design Criteria Manual to allow access to be taken from the higher order street be approved with the following stipulations:**

1. **The driveway approach shall be located a minimum of 80 feet from the northwest corner of Sawgrass Court and Padre Drive; and,**
2. **The driveway approach on the subject property shall align with the proposed driveway approach on the east side of Padre Drive.**

20. 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 approved with the following stipulations:**

1. **Prior to Planning Commission approval, a revised Exhibit "A" shall be submitted showing the vacated portion of the Non-Access Easement to be a minimum of 80 feet from the northwest corner of Sawgrass Court and Padre Drive; and,**
2. **The proposed driveway approach on Padre Drive shall align with the proposed driveway approach on the east side of Padre Drive.**

21. 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 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.

**Planning Commission acknowledged the applicant's request to withdraw the 11-6-19 SDCL Review to allow the construction of a cellular communications tower and equipment building on public property.**

22. No. 05SR006 - Par Subdivision

A request by Renner & Associates, LLC for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to allow the construction of a utility hub structure** on Utility Lot 1 of Par Subdivision located in the E1/2 of the SE/14 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 770 Catron Boulevard.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a utility hub structure to the April 7, 2005 Planning Commission meeting.**

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

A request by 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 continued the SCDL 11-6-19 Review to the April 7, 2005 Planning Commission meeting to allow the applicant to submit additional information.**

25. No. 05VE002 - Skyline Pines Subdivision

A request by Sperlich Consulting for Thomas Gagliano to consider an application for a **Vacation of an Access Easement** on Lots 8 and 9, Block 2, Skyline Pines Subdivision, SE1/4 SW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Pevans Parkway and 3289 Sandstone Lane.

**Planning Commission recommended that the Vacation of an Access Easement be approved.**

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

**Andrews announced that the Public Hearings on Items 26 through 55 were opened.**

**Staff requested that Item 35 be removed for separate consideration.**

**Anderson requested that Items 41 and 42 be removed for separate consideration.**

**LeMay requested that Item 28 be removed for separate consideration.**

**LeMay moved, Hadcock seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 26 through 55 in accordance with the staff recommendations with the exception of Items 28, 35, 41 and 42. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**The Public Hearings for Items 26 through 55 were closed.**

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

26. No. 04CA069 - Mahoney Addition

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

**Planning Commission acknowledged the applicant's request to withdraw the application requesting an amendment to the Comprehensive Plan.**

27. No. 04RZ064 - Mahoney Addition

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

**Planning Commission acknowledged the applicant's request to withdraw the Rezoning request application.**

29. 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.

**Planning Commission tabled the Rezoning from Park Forest District to Public District.**

30. 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 designatin 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 April 7, 2005 Planning Commission meeting.**

31. 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 April 7, 2005 Planning Commission meeting at the applicant's request.**

32. 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 April 7, 2005 Planning Commission meeting at the applicant's request.**

33. 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 April 7, 2005 Planning Commission meeting.**

34. 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 April 21, 2005 Planning Commission meeting at the applicant's request.**

36. No. 05RZ020 - Kensington Heights Subdivision

A request by Sperlich Consulting for Kensington Heights LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Davin Drive and Field View Drive.

**Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential - II District be continued to the April 21, 2005 Planning Commission meeting to allow this item to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.**

37. No. 05CA015 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial be continued to the April 7, 2005 Planning Commission meeting.**

38. No. 05CA016 - Sections 27 and 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan by including additional property and designating the property as General Commercial land use** on the S1/2SW1/4 lying south of



the RR ROW and the west 130 feet adjacent to RR ROW and the RR ROW, all located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the E1/2NE1/4NW1/4 and the NW1/4NE1/4NW1/4, all of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan by including additional property and designating the property as General Commercial land use be approved.**

39. No. 05CA017 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 20.3 acre parcel from Light Industrial to General Commercial** on the eastern most 340 feet of the NW1/4NW1/4 and the SW1/4NE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 20.3 acre parcel from Light Industrial to General Commercial be approved.**

40. No. 05CA018 - Major Street Plan Amendment

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

**Planning Commission recommended that the Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads be approved.**

43. No. 04PD050 - Fairway Hills PRD

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

Sheridan Lake Road.

**Planning Commission recommended that the Major Amendment to a Planned Residential Development be denied without prejudice.**

***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.***

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

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot H7 in the SW1/4 of Section 27 and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, all located in 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 approved in conjunction with the approval of the associated Comprehensive Plan Amendment.**

45. No. 05RZ019 - Auburn Hills Subdivision

A request by Sperlich Consulting for Doeck, LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on a portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southwest corner of Lot 1 of Block 3 of Auburn Hills Subdivision, common to a point on the northerly edge of the right-of-way of Auburn Drive, and the Point of Beginning; Thence, first course: westerly, along the northerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 7°19'33", an arc length of 41.68 feet, a chord bearing of N86°06'36"W, and a chord distance of 41.65 feet, to a point of tangency; Thence, second course: N89°46'22"W, along the northerly edge of right-of-way of said Auburn Drive, a distance of 231.17 feet; Thence, third course: N00°13'38"E, a distance of 108.83 feet; Thence, fourth course: S89°46'22"E, a distance of 272.69 feet, to the northwest corner of said Lot 1 of Block 3 of Auburn Hills; Thence, fifth course: S00°11'53"W, along the westerly boundary of said Lot 1 of Block 3, a distance of 111.49 feet, to the southwest corner of said Lot 1 of Block 3, common to a point of the northerly edge of the right-of-way of Auburn Drive, and the Point of Beginning; Said Parcel contains 29,716 square feet or 0.682 acres more or less, more generally described as being located at the intersection of Charmwood Drive and Auburn Drive.

**Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential - II District be approved.**

46. No. 05PD013 - C.H.M.H. Subdivision and Tyler Knue Subdivision

A request by Cedar Hill Corporation to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence N89°31'59"W a distance of 275.83 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 191.11 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 52.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 85.00 feet; thence N89°31'59"W a distance of 52.00 feet; thence S00°28'01"W a distance of 85.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 49.00 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 135.67 feet; thence S89°45'08"E a distance of 19.00 feet to the point of beginning; said tract contains 3.80 acres, more or less, more generally described as being located generally lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive.

**Planning Commission recommended that the Planned Residential Development - Initial and Final Development Plan be continued to the April 7, 2005 Planning Commission meeting to allow a correct legal description to be advertised as required.**

47. No. 05RZ022 - C.H.M.H. Subdivision and Tyler Knue Subdivision  
A request by Cedar Hill Corporation to consider an application for a **Rezoning from Mobile Home Residential District to Low Density Residential - II District** on two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N,

R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence N89°31'59"W a distance of 275.83 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 191.11 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 52.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 85.00 feet; thence N89°31'59"W a distance of 52.00 feet; thence S00°28'01"W a distance of 85.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 49.00 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 135.67 feet; thence S89°45'08"E a distance of 19.00 feet to the point of beginning; said tract contains 3.80 acres, more or less, more generally described as lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive.

**Planning Commission recommended that the Rezoning request from Mobile Home Residential District to Low Density Residential - II District be continued to the April 7, 2005 Planning Commission meeting to allow a correct legal description to be advertised as required.**

48. No. 05RZ023 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the April 7, 2005 Planning Commission meeting.**

49. No. 05RZ024 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the northern most 210 feet of the SE1/4SW1/4SW1/4; the NE1/4SW1/4SW1/4; the northern most 870 feet of the SE1/4SW1/4; the E1/2 NW1/4SW1/4; the NE1/4SW1/4; the NW1/4SE1/4; and the NE1/4SE1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the April 7, 2005 Planning Commission meeting.**

50. No. 05RZ025 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the north 200 feet of Lot 1, Neffs Subdivision #3; the eastern most 440 feet and southern most 450 feet of the SW1/4SW1/4; and the southern most 450 feet of the SE1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the April 7, 2005 Planning Commission meeting.**

51. No. 05RZ026 - Sections 27 and 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the SW1/4SW1/4SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the April 7, 2005 Planning Commission meeting.**

52. No. 05RZ027 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the west 816 feet of the SW1/4NW1/4; the W1/2NW1/4SW1/4; and the NW1/4SW1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the April 7, 2005 Planning Commission meeting.**

53. No. 05RZ028 - Sections 27 and 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial 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; and the easternmost 1824.64 feet of the N1/2NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with the associated Amendments to the Comprehensive Plan.**

54. No. 05SV015 - Shoenhard Subdivision and Mann Subdivision

A request by Renner Associates, LLC for BB&R Properties to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway, to waive the requirements to install street light conduit and sidewalks along E. Chicago Street, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right of way along a private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway and an access easement and to waive the requirements to install street light conduit and sidewalks along West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April**

**7, 2005 Planning Commission meeting at the applicant's request.**

55. No. 05SV021 - Gravatt Subdivision

A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 7, 2005 Planning Commission meeting.**

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

28. 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.

LeMay requested clarification concerning staff's recommendation to table this item.

Elkins explained that the City of Rapid City owns the subject property and the City Council has withdrawn the site from consideration for the proposed use.

**Brown moved, Anderson seconded and unanimously carried to table 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. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

35. No. 05CA014 - Kensington Heights Subdivision

A request by Sperlch Consulting for Kensington Heights LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.276 acre parcel from Low Density Residential to Low Density Residential - II** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Davin Drive and Field View Drive.

Elkins advised that the applicant has requested that the Comprehensive Plan Amendment be continued to the April 21, 2005 Planning Commission meeting.

**Hadcock moved, Schmidt seconded and unanimously carried to recommend that the Comprehensive Plan Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan for a 1.276 acre parcel of land from Low Density Residential to Low Density Residential - II be continued to the April 21, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

Anderson requested that Items 41 and 42 be considered concurrently.

41. No. 05PD012 - Section 35, T1N, R7E

A request by Buescher Frankenberg Associates for Wal-Mart Stores to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a portion of the W1/2 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, thence S00°08'07"W, a distance of 868.68 feet to the point of beginning; Thence, first course: S03°29'32"W, a distance of 461.19 feet; Thence, second course: S00°00'00"W, a distance of 567.54 feet; Thence, third course: N83°15'19"W, a distance of 597.38 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°25'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the N 1/16th line of Section 35; Thence, tenth course:



N06°40'09"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; Thence, eleventh course: S83°15'19"E, a distance of 1150.19 feet, to the point of beginning. Said parcel contains 1,299,751.10 square feet or 29.8380 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

42. No. 05RZ021 - Section 35, T1N, R7E

A request by Buescher Frankenberg Associates for Wal-Mart Stores to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a portion of the W1/2 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, thence S00°08'07"W, a distance of 868.68 feet to the point of beginning; Thence, first course: S03°29'32"W, a distance of 461.19 feet; Thence, second course: S00°00'00"W, a distance of 567.54 feet; Thence, third course: N83°15'19"W, a distance of 597.38 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°25'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the N 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; Thence, eleventh course: S83°15'19"E, a distance of 1150.19 feet, to the point of beginning. Said parcel contains 1,299,751.10 square feet or 29.8380 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

Anderson requested clarification concerning why these applications appear on the agenda as the applicant has requested their withdrawal.

Elkins stated that because these items have been noticed in the newspaper the applicant's withdrawal must be formally acknowledged.

**Anderson moved, Hadcock seconded and unanimously carried to acknowledge the applicant's request to withdraw the Planned Commercial Development-Initial and Final Development Plan and the Rezoning request from General Agriculture District to General Commercial District. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

***The Rapid City Planning Commission's action on Item 05PD012 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---**

56. No. 05PL036 - Elks Country Estates

A request by Sperlich Consulting for Triple Z Real Estate Development to consider an application for a **Layout Plat** on Lots 8-12 of Block 8, Lots 5-9 of Block 9, Lots 17-30 of Block 10, Lots 4-18 of Block 11, Lots 1-10 of Block 12, Lots 1-14 of Block 13, Lots 1-8 of Block 14, Lots 1-6 of Block 15, Lots 1-3 of Block 16 and Lots 1-3 of Block 17 all located in Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Jolly Lane.

Fisher advised that the proposed Layout Plat is located within a Study Area created by the City Council. Fisher explained that the applicant is working with the developer and adjacent property owner concerning road access issues and has requested that the Layout Plat be continued to the April 7, 2005 Planning Commission meeting.

**Hadcock moved, LeMay seconded and unanimously carried to recommend that the Layout Plat be continued to the April 7, 2005, Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

Fisher requested that items 57 and 58 be considered concurrently.

57. No. 05PL038 - Section 32, T2N, R7E

A request by Ted McBride for Jonna K. Fitzgerald and Teena Miller to consider an application for a **Layout Plat** on Lots 1-3 of SW1/4 of the SW1/4 Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 of the SW1/4 Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Timberland Trail.

58. No. 05SV020 - Section 32, T2N, R7E

A request by Ted McBride for Jonna K. Fitzgerald and Teena Miller to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-3 of SW1/4 of the SW1/4 Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 of the SW1/4 Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Timberland Trail.

Fisher presented the requests and reviewed the staff report and slides for the applications.

In response to a question from Andrews, Fisher identified the lots proposed to take access from the access easement.

Schmidt requested clarification concerning the regulations that limit four lots to take access from an access easement. Fisher reviewed the associated sections of the Street Design Criteria Manual pertaining to private access easements and the requirements for dedication of public right-of-way.

Ted McBride, agent for applicant, discussed the history of a lawsuit that resulted in an Order from the Court granting a private access easement to the subject property. McBride indicated that if the exception to allow 11 lots to take access from a private access easement is not granted, the issue will end up back in Court.

LeMay requested clarification as to why the property is not proposed to be served by City sewer and water. McBride explained that City services are located approximately 1000 feet from the subject property, there are no utility easements to bring the services to the property and the subject property is located on a rock formation.

Schmidt expressed concern that future subdivision of the surrounding properties would compound access problems in the area. McBride stated that it is his understanding that Owen Emme does not intend to subdivide his property.

In response to a question from Schmidt, McBride indicated that they intend to develop a wildfire mitigation plan as stipulated by the Fire Department to address fire safety issues. Discussion followed.

In response to a question from Schmidt, Elkins discussed maintenance issues associated with private access easements. Elkins added that Owen Emme has expressed opposition to the dedication of the access easement as right-of-way in an effort to keep the area private. Elkins noted staff's concerns with the provisions for access in association with the long-term development of the area.

In response to a question from Olson, Dan Ferber reviewed the area road system and identified legal access to a number of properties.

Anderson requested clarification concerning the development plans for the remaining balance of the subject property. McBride indicated that access issues to the balance of the subject property are in litigation. McBride discussed potential access through the south canyon noting that the issue has not been resolved.

In response to a question from LeMay, Elkins stated that the proposal to subdivide the property triggers the requirements as identified by staff. Elkins clarified that if the applicant does not subdivide the property there are no requirements.

McBride expressed concern that there is not access to both sides of the property unless the property is subdivided.

Elkins stated that a settlement resulting from a lawsuit allowed an easement to the subject property. Elkins advised that staff's recommendation is in accordance with the adopted regulations. Elkins added that the Planning Commission can determine what recommendation they feel is appropriate to forward to the City Council.

Mike Forette advised that he owns property lying to the south of the subject property. Forette expressed concern that additional development on the subject property will have a negative impact on area wildlife habitat. Forette requested clarification concerning how many home sites will be proposed for the southern portion of the subject property.

Brown left the meeting at this time.

McBride indicated that the proposed density for the southern portion of the property has not yet been determined. McBride commented that there is the potential for one house per three acres.

Forrette requested that the applicant prepare an environmental impact statement and requested that the subject property be kept as pristine as possible.

James Rowenhorst, area property owner, stated opposition to Items 57 and 58. Rowenhorst expressed concern that Timberline Road has no curb or gutter. Rowenhorst stated that the setbacks for the homes along Timberline Road are minimal and residents frequently park on the street. Rowenhorst discussed easements to his property and to adjacent properties. Rowenhorst noted that due to the rock formation in the area he has a mound septic system on his property. Rowenhorst expressed concern that additional mound septic systems and wells would have a negative impact on the ground water and his well. Rowenhorst described concerns related to the gravel road providing access to his property. Rowenhorst stated that he feels the road should be paved, with curb and gutter. Rowenhorst stated that he feels City water and sewer should be provided to the area to support any additional development. Rowenhorst expressed concern that the additional development would have a negative impact on area wildlife.

**Schmidt moved, LeMay seconded an unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**

3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
5. Upon submittal of a Preliminary Plat application, road construction plans for the private access easement as it extends south from Timberland Trail and including that portion located along the north lot line of the subject property shall be submitted for review and approval. In particular, the private access easement shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the construction plans shall identify the construction of a permanent turnaround at the private access easement with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
9. An Exception to allow an easement to serve as access to eleven lots in lieu of four lots as per the Street Design Criteria Manual is denied;
10. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits;
11. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 2,790 foot long cul-de-sac with

**no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual;**

- 12. Prior to submittal of a Final Plat application, a 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;**
- 13. Prior to submittal of a Final Plat application, a street name for the private access easement shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name;**
- 14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
- 15. Upon submittal of a Final Plat application, a road maintenance agreement for the private access easement shall be submitted for review and approval; and,**
- 16. 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 Regulations to waive the requirement to install sidewalk along the private access easement and the section line highway be tabled; that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the private access easement and the section line highway be denied; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along the private access easement and the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

- 1. The private access easement and the section line highway shall be constructed with a minimum 24 foot wide paved surface; and;**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, street light conduit, water and sewer along the section line highway. (6 to 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

59. 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.

Tucker presented the request noting that this item was continued from the February 24, 2005 Planning Commission meeting to allow the applicant to

submit additional information. Tucker indicated that some of the requested information has been submitted noting that staff has not had adequate time to provide a review of the information. Tucker noted that the applicant has indicated that additional information will be submitted this date. Tucker stated that staff is recommending that the Planned Residential Development – Initial and Final Development Plan be continued to the April 7, 2005 Planning Commission meeting.

Larry Kiser, area resident, requested that the Planning Commission deny the application at this time. Kiser expressed concern that the applicant is continuing the application in order to dilute public interest. Kiser expressed concern that the development plans are inconsistent with the City's proposed overlay plan for the area. Kiser expressed concern regarding emergency access, water and traffic issues.

In response to a question, Tucker commented that a preliminary review of the information submitted identified substantial changes from the information that was previously submitted.

Steve Brendan, area resident, indicated that he is also speaking on behalf of Denise Podoll. Brendan concurred with the statements made by Kiser.

In response to a question from Brendan, Tucker indicated that the structures identified in the original plans met the required setbacks. Discussion followed.

Brendan expressed concern that the new development would cause an increase in property taxes. Brendan expressed concern that new construction would cause an increase in area traffic. Brendan objected to the proposed development and cited the proposed Canyon Lake Overlay District ordinance.

Cleland Battista, Leland Lane resident, asked if any information was received from the applicant concerning the water table on the property. Bob Dominicak indicated that three borings were made on the property and he discussed the results.

In response to a question from Battista, Knight stated that the minimum width requirement for emergency vehicle access is 20 feet. Battista requested that a variance to the fence height requirement can be granted to allow an eight foot privacy fence between his property and the subject property. Discussion followed.

Elkins explained that staff has recommended that the application be continued so that a full and proper review can be given to the information submitted by the applicant. Elkins stated that the impact on the existing development will be taken into consideration as a part of the staff's review of the request.

Schmidt stated that he feels it is important to review and understand what the applicant is proposing.

**Schmidt moved and Prairie Chicken seconded to continue the Planned**

**Residential Development - Initial and Final Development Plan to the April 7, 2005 Planning Commission meeting.**

Andy Meyer, 1629 32<sup>nd</sup> Street, expressed concerns regarding the access easement his driveway is located on, additional traffic that would be generated by the proposed development and concerns regarding the water table in the area.

Discussion followed concerning the proposed Canyon Lake Overlay District.

**The motion unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the April 7, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

60. No. 05SV019 - Section 5, T1N, R8E

A request by Sperlich Consulting, Inc. for Jim Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East St. Patrick Street.

Fisher advised that the applicant has requested that this item be continued to the April 7, 2005 Planning Commission meeting.

**Prairie Chicken moved, Anderson 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, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 7, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

24. No. 05SR009 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract 8, Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Ploof Drive and Sheridan Lake Road.

Elkins advised that Rod Johnson had requested that this be continued to later in the meeting so that if the meeting were extended this item could be considered next week. Elkins noted that a revised parking plan has not been



submitted and noted staff's recommendation to continue the SDCL 11-6-19 Review to the April 7, 2005 Planning Commission meeting.

Rich Downs, 1515 Summit Boulevard, advised that he is working on this project with Post 22 Baseball and requested that the Planning Commission approve the 11-6-19 Review at this time. Downs advised that staff has been provided with new parking information. Downs described the uses for the proposed new batting cage facility noting that the proposed facility will attract quality teams and promote economic impact. Down stated his opinion that there is adequate parking existing at Post 22 and requested that the Planning Commission approve the request.

In response to a question from Schmidt, Elkins advised that staff had met with Rod Johnson on Tuesday and was provided with new information yesterday at 4:00 p.m. Elkins indicated that the number of parking spaces shown on the plan provided yesterday is less than what was provided on Tuesday. Elkins added that the City Council will consider whether to authorize the use of the property for the proposed project at their April 4, 2005 City Council meeting. Elkins stated that Post 22 Baseball is great program and staff is working with Mr. Johnson to resolve the issues.

Downs stated that it was his understanding that if the Planning Commission approved the 11-6-19 Review at this time they could pull a building permit next Tuesday. Downs stated that they are trying to get the project completed prior to the start of the upcoming World Series event. Downs indicated that the project is dependent on the donation of time and material and from the public. Downs stated that he has not seen a parking problem at the Post 22 Baseball facility in the last five year.

Dave Ploof, Post 22 Baseball Head Coach, stated that parking is not an issue at the Post 22 Baseball facility. Ploof indicated that there have been large tournaments held at the facility since 1975 without experiencing any parking problems. Ploof stated that there are 4,000 parking spaces available in the area. Ploof urged the Planning Commission to approve the application at this time.

Ploof described the economic benefit from hosting the Legion World Series events in the Rapid City community.

Discussion followed concerning the seating capacity at the facility, existing parking at the facility, existing parking in the vicinity of the facility, and the projected timeline to complete the work on the proposed batting facility.

Anderson requested clarification concerning who would have access to the proposed new batting facility. Downs indicated that Post 22 participants would have access and stated that the terms of the lease agreement with the City will be followed. Discussion followed.

Downs noted that 12 trees will be removed to construct the batting facility. Elkins indicated that the 12 trees will need to be replaced in the area where

they are removed in accordance with the recommendations from the Parks and Recreation staff. Elkins added that the new trees will be shown on the revised site plan.

Bret Estes, Post 22 Baseball, advised that all of the information requested from Post 22 was submitted in a timely manner. Estes stated that the site plan is provided by the City and the City should provide any additional information on seating and parking. Estes stated that they were told that they would not need any additional parking. Elkins indicated that Rod Johnson, Public Works Department, is the City staff member developing the site plan. Elkins stated that staff is looking at methods to resolve the parking issue.

Ploof stated that the batting facility must be completed in order to secure a permanent site for the World Series. Ploof reiterated that parking is not a problem at the Post 22 facility.

Elkins suggested that the Planning Commission could hold a special meeting next Thursday to consider a revised site plan if they wished. Discussion followed.

**Anderson moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a structure on public property to the April 7, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**Hadcock moved, LeMay seconded and unanimously carried to continue the balance of agenda items to the April 7, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**There being no further business, Hadcock moved, Anderson seconded and unanimously carried to adjourn the meeting at 8:53 a.m. (6 – 0 with Anderson, Andrews, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes, and with none voting no)**