



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 26, 2005

MEMBERS PRESENT: Doug Andrews, Gary Brown, Ida Marie Fast Wolf, Debra Hadcock, Scott Nash, and Mel Prairie Chicken. Karen Olson, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Rod Johnson, Karen Bulman, Michelle Horkey, Linda Foster, Bob Dominicak, Dave Johnson, Pat Baudette, Joel Landeen, Bill Knight and Carol Bjornstad.

Nash called the meeting to order at 7:01 a.m.

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

Planning Commission Staff requested that Item 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 13 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Andrews, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 23 in accordance with the staff recommendations with the exception of Items 12 and 13. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash, and Prairie Chicken voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the May 5, 2005 Planning Commission Meeting Minutes.
2. No. 05TP006 - Approval of a Resolution for the Transportation Improvement Program Projects.

Planning Commission recommended that the Resolution for the Transportation Improvement Projects be approved.

3. No. 04CA032 –Comprehensive Plan Amendment
Summary of Adoption action for an Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan on property generally described as being located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens.

Planning Commission approved the Summary of Adoption action for an Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan and authorized publication in the Rapid City Journal.

4. No. 04AN009 - Hyland Park Subdivision

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

Planning Commission recommended that the Petition for Annexation be continued to the July 7, 2005 Planning Commission meeting at the applicant's request.

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

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

Planning Commission recommended that the Petition for Annexation be continued to the July 7, 2005 Planning Commission meeting at the applicant's request.

6. No. 04PL097 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Layout Plat be continued to the July 7, 2005 Planning Commission meeting.

7. 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 contingent on any payment due to the North Haines Fire Protection District being paid by the City of Rapid City be approved.

8. No. 05AN004 - Section 18, T2N, R8E

A request by Pennington County to consider an application for a **Petition for Annexation** on the Fifty (50) foot West Nike Road right-of-way located north of Government Lot 4 and west of Lot 4, Four-M Subdivision, and south of Tract 2, 3, 4, & 5 of Sletten Addition, all located in the SW1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the "Plat of a portion of Sletten Addition, which includes: Lot B revised; Tract 3; Tracts 1,2, 4, and 5; dedicated public right-of-way, all located in Government Lot 3 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota"; located in Book 13, Page 255, more generally described as being located north of Country Road, east of Haines Avenue.

Planning Commission recommended that the Petition for Annexation be approved.

9. 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 approved with the following stipulations:

1. **Upon submittal of a Preliminary Plat, a traffic study be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document be revised to provide drainage easements as identified;**
4. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall comply with the adopted Northeast Area Utility Study identifying a sewer main trunk located in the east-west leg of W. Nike Road as well as extending the sewer main trunk through the subject property. In addition, the proposed regional lift station shall be re-located to the LaCrosse Street area as per City Council. An interim local lift station to pump sewer to the proposed regional lift station shall be provided to the balance of the site;**

5. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water plan shall provide a water system analysis, including identifying the source(s), quantities of domestic and fire flows, looping, etc. The water plan shall also show the relocation of a four inch water line that currently extends through the property or the plat document shall be revised to provide a utility easement. In addition, the four inch water line shall be replaced with an eight inch line. The water plan shall also comply with the adopted Northeast Area Utility Study which identifies two-12 inch water mains along W. Nike Road, and a 12 inch and a 14 inch water main along Country Road. In addition, the applicant shall request in writing oversizing reimbursement from the City;**
6. **Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities through the subject property as well as to adjacent properties;**
7. **Upon submittal of a Preliminary Plat application, road construction plans Country Road shall be submitted for review and approval. In particular, the road construction plans shall show Country Road located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised dedicating an additional 17 feet of right-of-way;**
8. **Upon submittal of a Preliminary Plat application, road construction plans LaCrosse Street shall be submitted for review and approval. In particular, the road construction plans shall show LaCrosse Street located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;**

9. Upon submittal of a Preliminary Plat application, road construction plans for W. Nike Road and 143rd Avenue shall be submitted for review and approval. In particular, the road construction plans shall show W. Nike Road and 143rd Avenue located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised dedicating an additional five feet of right-of-way for each street.
10. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets must be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat, road construction plans for the sub-collector streets shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Catron Boulevard except for the approved approach location(s);
13. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the .5 acre unplatted parcel and the 6.3 acre unplatted parcel as lots;
14. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
15. Prior to Preliminary Plat approval by the City Council, a 404 Permit shall be obtained from the Corp of Engineers, if applicable;
16. All International Fire Code shall be continually met;
17. Upon submittal of a Preliminary Plat application, a subdivision estimate form shall be submitted for review and approval;

18. Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide shall be obtained or the plat be revised to comply with the length to width requirement;
 19. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
 20. Prior to submittal of a Final Plat application, the applicant must submit a different subdivision name to the Register of Deed's Office for review and approval. In addition, the plat document must be revised to show the approved subdivision name;
 21. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Country Road and LaCrosse Street or a Variance to the Subdivision Regulations shall be obtained;
 22. Upon submittal of a Final Plat application, the plat document shall be revised to provide a non-access easement along W. Nike Road, Country Road, LaCrosse Street, N. Maple Avenue and the first fifty feet of all corner lots; and,
 23. 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.
10. No. 05PL048 - Black Hills Estates
A request by Dream Design International to consider an application for a **Layout Plat** on Lots 1-25, Black Hills Estates located in the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Catron Boulevard and Fifth Street.

Planning Commission recommended that the Layout Plat be continued to the June 9, 2005 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 05PL075 - Black Hills Estates

A request by Wyss Associates, Inc. for Eagle Ridge - One LP to consider an application for a **Layout Plat** on Lot 1 and Lot 2, Black Hills Estates, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 NW1/4 and the unplatted balance of the SE1/4 NW1/4, less Lot 1 Black Hills Estates, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between the southern terminus of Stumer Road and Catron Boulevard.

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

1. **Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
2. **Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties;**
3. **Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**
4. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall submit a written request for costs for oversized facilities;**
5. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, a water system model and report of the water distribution system shall be submitted for review and approval demonstrating that adequate flows and pressures are being provided to serve the development;**
6. **Upon submittal of a Preliminary Plat application, road construction plans for Stumer Road shall be submitted for review and approval. In particular, Stumer Road shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**

7. Upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, Catron Boulevard shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans providing a turnaround on the subject property for the future commercial street to be located directly east of the subject property shall be submitted for review and approval. In particular, the turnaround shall be located in right-of-way and constructed either as a hammerhead or a cul-de-sac bulb and designed to provide fire apparatus access or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Stumer Road except for approved approach location(s) and along Catron Boulevard;
10. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; and,
11. 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. 05PL065 - Trailwood Village

A request by Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lots 3A, 3B and 3C of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 3 of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Williams Street and Reservoir Road.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit and additional pavement or a Variance to the Subdivision Regulations shall be obtained;**

2. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for the common access easement shown on the plat. In particular, the road construction plans shall show the street constructed with a minimum 45 foot wide right-of-way and a minimum 20 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained.**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **Upon submittal of a Final Plat application, the plat document shall be revised to show an easement for access and maintenance of a fire hydrant located on Lot 3B next to Williams Street;**
5. **Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained; and,**
6. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

15. No. 05PL073 - Hidden Springs Ranchettes

A request by Mike Jankard to consider an application for a **Layout Plat** on Lot 5A and 5B, Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 5, Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 22925 Hidden Springs Road.

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

1. **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 percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**

2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall submit documentation from Box Elder indicating concurrence with providing service to a second lot. The plat document shall also be revised to show utility easement(s) as needed;
3. Upon submittal of a Preliminary Plat application, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, the road construction plans shall show Radar Hill Road constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat application, road construction plans for Hidden Springs Road shall be submitted for review and approval. In particular, the road construction plans shall show Hidden Springs Road constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show both lots accessed via Hidden Springs Road or an Exception to the Street Design Criteria Manual shall be obtained to allow access from Radar Hill Road which is not the lesser order street;
6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Radar Hill Road and Hidden Springs Road except for approved approach location(s);
7. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the impact of the additional run-off to be generated due to the increase in density, including any downstream detention;
8. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
9. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to allow the proposed lot sizes or a lot size Variance shall be obtained for the Limited Agriculture District;
10. The International Fire Code shall be continually met;
11. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and,

12. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

16. No. 05PL074 - Paradise Estates Subdivision

A request by County Down USA, LLC to consider an application for a **Layout Plat** on Lots A and B of Tract 4, Paradise Estates Subdivision, located in the N1/2 of the NE1/4 of the SE1/4, Section 12, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Tract 4, Paradise Estates Subdivision, located in the N1/2 of the NE1/4 of the SE1/4, Section 12, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 23053 Radar Hill Road.

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

1. **Upon submittal of a Preliminary Plat application, a complete site plan shall be submitted for review and approval. In particular, the site plan shall identify all existing structures and utilities;**
2. **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 percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed than it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed;**
4. **Prior to Preliminary Plat approval by the City Council, a lot size Variance shall be obtained from the Pennington County Board of Commissioners to allow one-half acre lots in lieu of one acre lot(s) with individual private on-site water and wastewater systems, if proposed;**

5. Upon submittal of a Preliminary Plat application, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, the road construction plans shall show Radar Hill Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide 17 additional feet of right-of-way along Radar Hill Road or a Variance shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for the public access easement shall be submitted for review and approval. In particular, the road construction plans shall show the public access easement constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; or the public access easement shall be vacated and the plat document revised to reconfigure proposed Lot A into a "flagpole lot" with access directly from Radar Hill Road;
7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a shared approach to serve as access to both lots. In addition, the plat document shall be revised to show a non-access easement along Radar Hill Road except for the approved approach location;
8. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements 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 particular, the drainage plan shall address the impact of the additional run-off to be generated due to the increase in density, including any downstream detention;
10. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and,
11. 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.

17. No. 05PL076 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck LLC to consider an application for a **Preliminary Plat** on Lots 18 through 26 of Block 3, Auburn Hills Subdivision, located in the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Coal Bank Drive and Crimson Court.

Planning Commission recommended the Preliminary Plat be denied without prejudice at the applicant's request.

18. No. 05PL080 - Atlantis Subdivision

A request by Fisk Land Surveying & Consulting for Atlantis L.L.C. to consider an application for a **Layout Plat** on Lot 1 of Atlantis Subdivision, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Tract F of W-Y Addition, less Lot H-1 of Lot 1 and less Lot H-1 of Lot 2, and including a portion of DM&E Railroad Right-of-Way, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of I-90 Service Road and Elk Vale Road.

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

1. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
3. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the extension of water main(s) outside of public right-of-way will require that they be located in a "public utility easement" either by amending the plat document to show the easement(s) or a miscellaneous document shall be recorded at the Register of Deed's Office creating the easement(s);**

4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the extension of water main(s) outside of public right-of-way will require that they be located in a "public utility easement" either by amending the plat document to show the easement(s) or a miscellaneous document shall be recorded at the Register of Deed's Office creating the easement(s);
5. Upon submittal of a Preliminary Plat application, road construction plans for Elk Vale Road shall be submitted for review and approval. In particular, Elk Vale Road shall be constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for the I-90 service road shall be submitted for review and approval. In particular, the I-90 service road shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. The International Fire Code shall be continually met;
9. Prior to submittal of a Final Plat application, a miscellaneous document or an "H Lot" shall be recorded at the Register of Deed's Office securing the proposed access easement as legal access to the site;
10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Elk Vale Road and the I-90 service road except for approved approach location(s); and,
11. 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.

19. No. 05PL081 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Kensington Heights, LLC to consider an application for a **Preliminary Plat** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3 and Lots 1 through 10 of Block 4, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elm Avenue and Enchanted Pines 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;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the resolution vacating the section line highway located along the south lot line of the subject property; 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.**

20. No. 05SE006 – Minnesota Ridge Heights South

A request by Centerline, Inc. for PLM Land Development LLC to consider an application for an **Exception to the Street Design Criteria Manual to the horizontal curve radius and to allow curb-side sidewalks** on NW1/2 NW1/4, less Eastridge Estates, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Enchanted Pines Drive and Enchantment Road.

Planning Commission recommended that the Exceptions to the Street Design Criteria Manual to allow curbside sidewalks in lieu of property line sidewalks and to allow a 134 foot centerline radius in lieu of a 175 foot centerline radius be approved.

21. 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 SE1/4 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 770 Catron Boulevard.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a utility hub structure be continued to the June 9, 2005 Planning Commission meeting.

22. No. 05SR020 - River Ranch Addition

A request by Ross Johnson for West River Electric to consider an application for a **SDCL 11-6-19 Review to allow the construction of a utility substation** on Tract B, River Ranch Addition, NW1/4 NW1/4, Section 29, T1N, R9E also located in Section 20, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of East Highway 44 and South Airport Road.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a utility substation be approved with the following stipulations.

1. **Prior to initiation of construction, the applicant should review the Pennington County zoning requirements with County staff;**
2. **An Air Quality Permit shall be obtained;**
3. **The utility substation shall be addressed and that address shall be posted on the front gate, plainly visible from the street;**
4. **The proposed driveway approaches shall comply with the Pennington County approach requirements and standards; and,**
5. **The applicant shall coordinate with the ditch manager any runoff from the subject property into the adjacent irrigation ditch.**

23. No. 05SR022 - South Canyon Elementary School

A request by Thurston Design Group for Rapid City Area School District #51-4 to consider an application for a **SDCL 11-6-19 Review to allow the construction of an addition to a public building on public property** on all of Block 2, less west 15', W1/2 vacated 39th Street and adjacent to Hickox Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 218 Nordby Lane-0.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of an addition to a public building on public property be approved with the following stipulations.

1. **Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An Air Quality Permit shall be obtained; and,**

3. **The proposed addition shall maintain the existing level of fire protection/detection as the existing structure.**

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

12. No. 05PL063 - Gemstone Subdivision

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Preliminary Plat** on Lots 1, 2, 3 and 6 of Block 1 and Lot 1 and Lots 11 thru 19 of Block 3 of Gemstone Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 NW1/4 NW1/4 (Government Lot 1), Section 19 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive and north of Catron Boulevard.

In response to Nash's questions regarding location description, Elkins responded that it was not a correct location description. Nash commented that the Agenda needed to be corrected to reflect the correct general location.

Nash expressed concern with the City Council's action to approve the Preliminary Plat prior to the Planning Commission's action on the request.

Discussion followed.

Motion by Brown, Seconded by Andrews and unanimously carried to acknowledged the City Council's action approving the Preliminary Plat with stipulations. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash, and Prairie Chicken voting yes and none voting no)

13. No. 05PL064 - Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for a **Layout Plat** on Lots 1-12, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Candy Kalil, 5218 Stoney Creek Drive, presented a letter for the Planning Commission on behalf of herself and her husband that expressed concerns regarding an increase in traffic and drainage impacts on the adjacent property due to lack of maintenance, she requested further review of the application.

In response to Nash's question for information on the proposed development site, Fisher presented and reviewed the proposed development and staff recommendation for approval with stipulations. Fisher stated that a Planned Development application would be submitted at a later date and that a Rezoning request and Comprehensive Plan Amendment appear later on the Planning Commission Agenda.

Glenn Bryant, 5210 Stoney Creek Drive, expressed concern regarding erosion and drainage on the proposed development site and referenced private litigation affecting the property. Bryant presented photographs of his property related to the drainage and erosion concerns from the proposed development site.

Elkins responded to Nash's questions regarding status of the development site by stating that inspections have been made of the site and maintenance issues have been addressed with the property owner. Elkins stated that Layout Plat is recommended for approval with stipulations addressing the need for a drainage plan. Elkins stated that the solution to the drainage and maintenance issues would be for construction to move forward on the proposed development site with finished landscaping. Elkins commented that a complete drainage plan will be required at the time of the Preliminary Plat.

Andrews stated his opinion that it would be appropriate to go forward with the development of the property with enforcement of the drainage requirements as part of the development plan. He moved for approval with the following stipulations. Hadcock seconded the motion.

Karen Olson expressed concern with the impact of the on-going drainage problems and the impact on the surrounding neighbors.

Motion by Andrews, Seconded by Hadcock and unanimously carried to acknowledged the Layout Plat.

Nash announced that the Public Hearings on Items 24 through 51 were opened.

Staff requested that Item 50 be removed for separate consideration.

Andrews moved, Hadcock seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 through 51 in accordance with the staff recommendations with the exception of Item 50,

(6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

24. No. 04CA029 - Hyland Park Subdivision

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

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the July 7, 2005 Planning Commission meeting.

25. No. 04RZ037 - Hyland Park Subdivision

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

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

26. No. 05CA011 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

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

27. 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 June 9, 2005 Planning Commission meeting.

28. No. 05CA025 - Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for an **Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the land use designation on a 4.67 acre parcel from General Commercial with a Planned Commercial Development to a maximum density of 4.8 dwelling units per acre with a Planned Residential Development** on Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less a parcel of land located in NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 6119 of the NE corner of Catron Boulevard and Sheridan Lake Road along a none visual line, N21°36'26"E 733.63 feet to the true point of beginning; Thence S89°57'27"E 260.81 feet; Thence N34°09'47"E 162.11 feet; Thence S59°24'49"E 24.85 feet; concave Northerly having a radius of 174.50 feet 95.15 feet along said curve through a central angle of 31°14'25"; Thence N89°20'46"E 11.22 feet; Thence S46°00'18"E 14.23 feet; concave Easterly having a radius of 326.00 feet 70.99 feet along said curve through a central angle of 12°23'34"; Thence S14°42'04"E 192.18 feet; concave Westerly having a radius of 470.00 feet 269.39 feet along said curve through a central angle of 32°50'26"; Thence S18°08'22"W 132.82 feet; Thence S25°52'25"W 44.58 feet; Thence S17°55'27"W 114.95 feet; Thence N79°10'12"W 15.14 feet; Thence N09°36'36"E 92.64 feet; Thence N01°06'37"E 204.68 feet; Thence N09°33'46"W 78.14 feet; Thence N27°38'08"W 286.69 feet; Thence S88°24'01"W 281.64 feet; Thence N11°18'01"W 89.74 feet; To the point of beginning, more generally described as being located at 5225 Bendt Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation on a 4.67 acre parcel from General Commercial with a Planned Commercial Development to a maximum density of 4.8 dwelling units per acre with a Planned Residential Development be approved.

29. No. 05RZ037 - Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved contingent upon the Comprehensive Plan Amendment being Approved.

30. No. 05OA004 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Amendment to the Rapid City Municipal Code, Chapter 17.22 Light Industrial District by adding "towing company" as a permitted use.**

Planning Commission recommended that the Amendment to the Rapid City Municipal Code, Chapter 17.22 Light Industrial District by adding "towing company" as a permitted use be approved.

*31. No. 05PD024 - Autumn Hills Plaza Subdivision

A request by Lund Associates for GBA, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 & 2, Autumn Hills Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5312 Sheridan Lake Road.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development be denied without prejudice at the applicant's request.

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

*32. No. 05PD027 - Fifth Street Office Plaza

A request by Dream Design International for Mandalay Homes to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2, Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4940 5th Street.

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be continued to the June 9, 2005 Planning Commission meeting at the applicant's request.

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

*33. No. 05PD030 - Red Rock Estates Subdivision

A request by Mandalay Homes, L.L.C. to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow the construction of six Townhomes in the Low Density Residential Zoning District** on Lot 3, 4 and 5, Block 13, Red Rock Estates Subdivision, located in the SE1/4 of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Muirfield Drive and Birkdale Drive.

Planning Commission recommended that the Planned Residential Development - Initial and Final Development Plan to allow the construction of six townhomes in the Low Density Residential Zoning District be approved with the following stipulations:

1. **An Air Quality Permit shall be obtained as the area of disturbance exceeds one acre;**
2. **The uses allowed within the Planned Residential Development shall be limited to a maximum of six dwelling units;**
3. **The structures located within the Planned Development shall conform to the minimum setback requirements of the Low Density Residential Zoning District or a Major Amendment to the Planned Residential Development shall be obtained;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **Prior to Planning Commission approval, a grading plan for the improvements to be installed or provided in the vicinity of the east lot line of Lot 5 shall be provided for review and approval. In addition, if any work is proposed on the adjacent parcel, written documentation from the adjacent property owner authorizing work on their property shall be submitted;**
6. **Prior to occupancy of the structures, all lots shall be graded such that all runoff from the rear yards is directed to the front of the lots along Muirfield Drive; and,**
7. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years.**

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

*34. No. 05PD031 - Harter Subdivision

A request by Johnny Sundby to consider an application for a **Planned Unit Development - Initial and Final Development Plan to allow the construction of a commercial building and a four plex in the Medium Density Residential Zoning District** on Lot 1 of Lot H Revised, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sheridan Lake Road and Canyon Lake Road.

Planning Commission recommended that the Planned Unit Development - Initial and Final Development Plan to allow the construction of a commercial building and a four plex in the Medium Density Residential Zoning District be continued to the June 23, 2005 Planning Commission meeting.

35. No. 04SV042 - Hyland Park Subdivision

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

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way and the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the July 7, 2005 Planning Commission meeting.

36. 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 approved in conjunction with the associated Planned Development Designation and the Amendment to the Comprehensive Plan be approved.

37. 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 approved in conjunction with the associated Planned Development Designation.

38. 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 approved in conjunction with the associated Planned Development Designation.

39. 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 June 23, 2005 Planning Commission meeting to allow this item to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.

40. 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 June 9, 2005 Planning Commission meeting.

41. 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 June 9, 2005 Planning Commission meeting.

42. 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 June 9, 2005 Planning Commission meeting.

43. 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 June 9, 2005 Planning Commission meeting.

44. 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 June 9, 2005 Planning Commission meeting.

45. 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 approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements along West Chicago Street and the Section Line Highway as they abut the subject property.**

46. No. 05RZ036 - Stoney Creek South Subdivision

A request by Centerline for Bank West to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 7, Block 2, Stoney Creek South Subdivision, NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be approved.

47. No. 05SV030 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Kelly Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer within a common access easement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 3A, 3B, and 3C, Block 22, Trailwood Village Subdivision, SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 3, Block 22, Trailwood Village Subdivision, SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Williams Street and Reservoir 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 within a common access easement be approved. The Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement denied. The Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road be approved with the following stipulation:

1. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit and additional pavement along Reservoir Road.**

48. No. 05SV032 - Atlantis Subdivision

A request by Fisk Land Surveying and Consulting for Atlantis L.L.C. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road and I-90 frontage road; to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easements; and to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Atlantis Subdivision, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Tract F of W-Y Addition, less Lot H-1 of Lot 1 and less Lot H-1 of Lot 2 and including a portion of DM&E Railroad Right-of-Way, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Elk Vale Road and I-90.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easements; and the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be tabled; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road and I-90 frontage road; be approved with the following stipulation:

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

49. 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 install curb, gutter, sidewalk, street light conduit, water and sewer along Creek Drive and W. Nike Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

51. No. 05VR004 - Keller Subdivision

A request by Scott Landguth for Pete Lien and Sons to consider an application for a **Vacation of Section Line Highway** on the west 857.64 feet of Section Line Highway lying between the SW1/4SE1/4 of Section 17, T2N, R7E and the NW1/4NE1/4 of Section 20, T2N, R7E, all lying in BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Universal Drive and North Highway 79.

Planning Commission recommended that the Vacation of Section Line Highway be continued to the June 9, 2005 Planning Commission meeting at the applicant's request.

50. No. 05TI003 - Section 25, T2N, R7E

A request by the City of Rapid City to consider an application for a **Tax Increment District No. 36 Revised Project Plan** on Lot 1 of Block 1, & Dedicated right-of-way, of Tires Plus Addition, located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1R and 2R of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive, located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tracts 4-C of Parcel #4, and Tracts 4-A, C and D, all located in the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots A, B & C of Lot 1 of Block 1 of Geld Subdivision and Lots 2 & 3 of Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #3 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #7 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds as follows: Beginning on the West Section Line at the Northwest corner of the SW1/4 NW1/4 of said Section 25; thence East along the one-sixteenth line a distance of 350 feet to the TRUE POINT OF BEGINNING, thence due South a distance of 145 feet; thence North 76 degrees 15 feet East a distance of 610 feet to the East-West one-sixteenth line; thence West along the one-sixteenth line a distance of 592.6 feet to the true point of beginning; Lot 18 (except that portion of Lot 18 platted as Lot C of Pine View Subdivision, as shown on the plat filed in Plat Book 17, page 144), and all of Lots 19-22 together with the vacated Street abutting said lots as recorded in Miscellaneous Book 115, page 678, all located in Block 4, Pine View Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 8R of Block 3 as recorded on Plat of Tract CR and Lot 8R of Block 3 formerly Tract C and Lot 8 of Block 3 located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Lowe's Subdivision, formerly Tract 1 of Martley Subdivision and Tract CR of the NW1/4 of the NE1/4 located in the NW1/4 of NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Balance of Parcel No. 8 in the NW1/4 NW1/4 of Section 25, T2N,

R7E, BHM, Pennington County, South Dakota; Unplatted portion of NW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Balance of NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot H-1 in the S1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Plat of dedicated public right-of-way shown as Disk Drive, formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of dedicated Public right-of-way of Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Lot A of Howard Street/I-90 right-of-way located adjacent to Tracts 4-C of Parcel #4 and Tracts 4-A, C & D of the SE1/4NW1/4 and adjacent to Parcel #3 and Parcel #7 in the SW1/4NW1/4 and Lot 1R of Five Star Subdivision in the NW1/4 and Disk Drive right-of-way, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; The 100 foot Haines Avenue right-of-way beginning at the southern boundary of the Haines Avenue/Disk Drive intersection located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West quarter section lines of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; SW1/4SW1/4, NE1/4SW1/4, N1/2SE1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Dakota Subdivision #1, located in the S1/2SE1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lakota Subdivision #1, Lakota Subdivision #2, and Lakota Subdivision #3, all located in the N1/2NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as an area extending north from Interstate 90 to Northridge Subdivision and from the east property boundary of Lowe's Subdivision to Bunker Drive.

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

In response to Nash's question, Bulman advised that staff previously recommended this item be continued to the June 9, 2005 because the applicant had been unavailable. Bulman stated that staff has since been able to review the item with the applicant and staff now recommends approval. Bulman commented that the Tax Increment Committee met with the applicant and have also agreed to the revisions for financing of the project and have recommended approval.

Hadcock requested the item be continued to allow further review by the Planning Commission members. Discussion followed.

Andrews stated his support of the Tax Increment Fund for approval in consideration for the critical time element for the applicant. Andrews moved for approval of the item. The Motion died for the lack of second.

Doyle Estes reviewed his request for revisions to the Tax Increment District and the need to move forward with the application.

Hadcock expressed satisfaction with Mr. Estes's explanation and Hadcock seconded the motion for approval.

Nash expressed concern with the short time frame for review of the revisions to the application.

Andrews moved, Hadcock seconded and unanimously carried to recommend approval of the Tax Increment District No. 36 Revised Project Plan and attached resolution. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

The Public Hearings for Items 24 through 50 were closed

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 52 and 68 be considered concurrently.

52. No. 05PL056 - Stoney Creek Plaza

A request by Centerline for Bank West to consider an application for a **Layout Plat** on Lot 1A and Lot 1B, Block 1, Stoney Creek Plaza, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 1, Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Sheridan Lake Road.

67. No. 05SV029 - Stoney Creek South Subdivision

A request by Centerline for BankWest 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 and to dedicate additional right-of-way along access easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Block 1, and Lots 1 through 7, Block 2, Stoney Creek Plaza, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 1 and Lot 7, Block 1, Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Catron Boulevard and Sheridan Lake Road.

Fisher reviewed the Layout Plat and the Variance to the Subdivision Regulations. Fisher presented slide of the property and the staff recommendations.

In response to Olson's request for additional information regarding drainage issues, Bob Dominak stated that property owner has made improvements to address drainage issues. Dominak advised that this is a layout plat and the drainage issues have been resolved.

Lawrence Kostaneski, engineer for the applicant drainage issues. Kostaneski expressed his opinion for the best options for access and traffic flow within the development site. Kostaneski stated that the applicant is requesting approval of the Variance request.

In response to Nash's question, Kostaneski advised that the City of Rapid City would have no responsibility regarding street maintenance or snow removal on the proposed development site noting that the various property owners would be responsible for maintenance.

Discussion followed regarding determining definition of street or parking lot designations on the proposed development site, the responsibility for maintenance, comparisons with other developments in Rapid City.

Steven Brendan, audience member asked if the proposed development site would alter the drainage plan and if the proposed drainage improvements would result in more development.

Discussion followed regarding run off, drainage issues and the culvert location on the proposed development.

Hadcock moved, Fast Wolf seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

- 1. Upon submittal of a Preliminary Plat application, a grading plan and geotechnical information shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include complete design calculations and information for the proposed box culvert extension, an erosion and sediment control plan and provisions for any required detention due to the proposed developed area. The drainage plan shall also address the "E" inlet and the 18 inch outlet pipe in the proposed approach along Catron Boulevard. In addition, the plat document shall be revised to show drainage easements as needed;**
- 3. Upon submittal of a Preliminary Plat application, construction plans showing a sidewalk along the south side of Catron Boulevard shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat application, construction**

- plans for the access easement(s) shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing non-access easements along Lots 1 and 7;
 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer shall be submitted for review and approval. In particular, the water plans shall show the extension of service lines, looping, domestic and fire flows and fire hydrant location(s) or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
 7. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval. In particular, the sewer plans shall show the collection system, service lines and the connections to the existing system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
 8. Upon submittal of a Preliminary Plat application, a subdivision estimate form shall be submitted for review and approval; and, Prior to Preliminary Plat approval by the City Council, the proposed Rezoning request from Low Density Residential District to General Commercial District shall be effective;
 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

Hadcock moved, Fast Wolf seconded and unanimously carried to recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer and to dedicate additional easement width along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

53. No. 05PL077 - Plum Creek Subdivision
A request by Alliance of Architects for Plum Creek Development to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 3, located

in the NE1/4 of the SE1/4, Plum Creek Subdivision, Section 16, T1N, R8E, less Plum Creek Subdivision and less right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SW1/4 of Section 16, T1N, R8E, less Plum Creek Subdivision and less right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Fieldstone Drive and Willowbend Road.

Fisher presented the Preliminary Plat application and the staff recommendation for approval of the Preliminary Plat for the three lots in Plum Creek (downsized from four to three) with the exception being granted and the stipulation as outlined in the staff report.

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

- 1. An Exception is hereby granted to allow 232 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual;**
- 2. Prior to Preliminary Plat approval by the City Council, a utility plan showing the location of the existing private and public utilities as well as the service lines shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
- 4. Upon submittal of a Final Plat application, the plat document shall be revised to show Fieldstone Drive located in a minimum 52 foot wide right-of-way;**
- 5. Upon submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of the corner lot; 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.(6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)**

Tucker requested that Items 54 and 63 be considered concurrently.

54. No. 05PL078 - Skyview North Subdivision

A request by Cody Schad to consider an application for a **Preliminary Plat** on Lot 1R and Lot 2R, Block 2, Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and Lot 2, Block 2, Skyview North Subdivision, located in the E1/2 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2050 and 2060 Harney Drive.

*63. No. 05PD032 - Skyview North Subdivision

A request by Cody V. Schad to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1R and Lot 2R, Block 2, Skyview North Subdivision, located in the E1/2 of SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and Lot 2, Block 2, Skyview North Subdivision, located in the E1/2 of SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2050 and 2064 Harney Drive.

Tucker presented the Preliminary Plat request and the Major Amendment to a Planned Residential Development and the Staff's recommendation for approval.

Andrews moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations.

Staff recommends that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, the plat shall be revised to reflect the red line comments on the plat and the red lined drawing shall be returned;**
2. **Prior to Preliminary Plat approval by the City Council, a revised plat shall be submitted showing the west 130 feet of the existing 20 foot wide access easement to remain with the remainder to be vacated with this plat;**
3. **Prior to Planning Commission approval, a revised topography plan including drainage and silt/sediment control measures for the driveway shall be submitted accurately showing the contours to determine if the driveway slope will exceed the permitted 15 percent. Staff also recommends that a plan and profile of the driveway be submitted to insure the slope requirement is being met;**
5. **Prior to Preliminary Plat approval by the City Council, the Signature Block area of the plat shall be revised to accurately reflect all of the required certificates; and,**
6. **Prior to Planning Commission approval, the site plan shall be revised to show the building envelope in conformance with the required setbacks of the Zoning Ordinance.**

Andrews moved, Brown seconded and unanimously carried to recommend that the Major Amendment to a Planned Residential Development be approved with the following stipulations.

1. **Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **The proposed single family residence shall be allowed to be constructed in the location shown on the submitted site plan;**
3. **Prior to Planning Commission approval, the site plan shall be**

- revised to show the building envelope in conformance with the required setbacks of the Zoning Ordinance;
4. Prior to Planning Commission approval, a revised topography plan shall be submitted, accurately showing the contours to determine if the driveway slope will exceed the permitted 15 percent. In addition, staff recommends that a plan and profile of the driveway be submitted to insure the slope requirement is being met;
 5. If the driveway slope exceeds the permitted 15 percent grade, the proposed single family residence shall be fully fire sprinklered or a Major Amendment to the Planned Residential Development shall be obtained;
 6. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed driveway to be a minimum of 20 feet wide;
 7. Prior to Planning Commission approval, a grading and drainage plan shall be submitted identifying silt/sediment control measures, accurate and correct contour lines, and drainage arrows to indicate general flow directions; and,
 8. Any retaining walls located on the subject property in excess of four feet in height require that engineered design, drawings and details be submitted. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

The Rapid City Planning Commission's action on the Major Amendment to the Planned Residential Development 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.

Tucker requested that Items 55 and 68 be considered concurrently.

55. No. 05PL079 - North 80 Subdivision
A request by Sperlich Consulting for John Kharouf to consider an application for a **Preliminary Plat** on Lots A and B of Lot 1, North 80 Subdivision, Located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, North 80 Subdivision, located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Fifth Street and East Stumer Road.

Andrews moved, Hadcock seconded and unanimously carried to recommend that the Preliminary Plat be continued to the June 9, 2005 Planning Commission meeting. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

68. No. 05SV031 - North 80 Subdivision

A request by Sperlich Consulting, Inc. for Dr. John Kharouf to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way, to install pavement, curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 1, North 80 Subdivision, Located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington, South Dakota, legally described as Lot 1 of North 80 Subdivision, located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Fifth Street and East Stumer Road.

Tucker presented the Preliminary Plat request and staff recommendation to continue the request to the June 9, 2005 Planning Commission meeting to allow a full review of the revised Plat. Tucker stated that the associated Variance requests, Item 68 is not needed with the revised Plat. Tucker requested that Item 68 be denied without prejudice.

Brown moved, Hadcock seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way and to install curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)

56. No. 05SE005 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development to consider an application for an **Exception to the Street Design Criteria Manual to Allow 317 Dwelling units with one point of access in Lieu of 40 dwelling Units** 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 presented the request for an exception to the Street Design Criteria Manual for Elks Country Estates to allow 317 dwelling units with one point of access instead of 40 and the staff's recommendation for approval with the stipulationl.

Hadcock moved, Andrews seconded carried to recommend that the

Exception to the Street Design Criteria Manual to allow 317 dwelling units with one point of access in Lieu of 40 dwelling Units be approved with the following stipulation.

- 1. Prior to Final Plat application, a contract shall be awarded for the construction of a street connection to the Southeast Connector and surety shall be posted for the improvement. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash and Prairie Chicken voting yes and none voting no)**

57. No. 05SR021 - Rapid City Greenway Tract

A request by to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 10 and Tract 10A, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1000 Sheridan Lake Road.

Tucker presented the 11-6-19 SDCL request and the staff recommendation for approval with stipulations.

Jerry Cole, Director of Parks and Recreation, expressed concern with providing an evacuation plan and the Flood Plain Development Plan. Elkins advised that structures in the 100 year flood plane need to meet certain requirements for flood insurance programs that is critical to the community. Elkins commented the evacuation plan with an approximate public turnout of 3000 citizens would need to be in place and reference past events as an example of the importance of an evacuation plan. Elkins advised that the County Emergency Management staff would be helpful in expediting proper documentation as it pertains to this event.

Elkins reviewed the Flood Plain Development Permit requirements found in Chapter 15 and the importance of an evacuation plan. Elkins advised that the County Emergency Management staff would be helpful in preparing the evacuation plan.

Discussion followed regarding evacuation procedures and alternate sites for temporary structures.

8:45 Olson left during discussion.

Hadcock moved, Andrews seconded carried to approve the SDCL 11-6-19 Review request to allow temporary structures on public property with the following stipulations.

- 1. A Temporary Use Permit shall be obtained prior to initiation of the event;**
- 2. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
- 3. Prior to initiation of the event, a copy of the evacuation plan shall**

- be submitted to the City and Pennington County Emergency Management Department for review and approval;
4. A Flood Plain Development Permit shall be obtained for all structures located within the 100 Year Federally Designated Flood plain; and,
 5. The SDCL 11-6-19 Review to allow temporary structures in association with the State Hershey Track Meet held at Sioux Park shall be valid for two years. (4 to 2 with Andrews, Brown, Nash and Prairie Chicken voting yes and Fast Wolf and Hadcock voting no)

Andrews moved, Brown seconded and unanimously carried to continue the remaining Agenda Items 58, 59, 60, 61, 62, 64, 65 and 66 to a special, June 2, 2005 Planning Commission meeting. (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash, and Prairie Chicken voting yes and none voting no)

There being no further business, Andrews moved, Brown seconded and unanimously carried to recess the meeting at 7:00 a.m. on June 2, 2005 (6 to 0 with Andrews, Brown, Fast Wolf, Hadcock, Nash, and Prairie Chicken voting yes and none voting no)