

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 4, 2005

MEMBERS PRESENT: Peter Anderson, Gary Brown, Mike LeMay, Scott Nash, Mel Prairie Chicken and Ethan Schmidt. Deb Hadcock, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Todd Tucker, Karen Bulman, Michelle Horkey, Linda Foster, Dave Johnson, Bob Dominak, Bill Knight, Joel Landeen, and Carol Bjornstad.

Nash called the meeting to order at 7:05 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.

Brown requested that Items 19 be removed for separate consideration.

Anderson moved, Prairie Chicken seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 20 in accordance with the staff recommendations with the exception of Items 19. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 21, 2005 Planning Commission Meeting Minutes.

2. 05TP009
Approval of the Final 2006-2010 Transportation Improvement Program

Planning Commission recommended that the Planning Commission approve the Final 2006-2010 Rapid City Area Transportation Improvement Program.

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

Planning Commission recommended that the Petition for Annexation be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

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

A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** on 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 September 22, 2005 Planning Commission meeting at the applicant's request.

5. No. 04PL097 - Hyland Park Subdivision

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

Planning Commission recommended that the Layout Plat be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

6. No. 04PL185 - Owen Hibbard

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

Planning Commission recommended that the Preliminary Plat be continued to the September 22, 2005 Planning Commission meeting.

7. No. 05CA026 - Riverside Addition

A request by Joseph A. Carlin, Jr. for D. Hamm Limited Partnership/Joe & Michele Carlin to consider an application for an **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the future land use designation parcel from Light Industrial District to General Commercial District** on Lots 17 through 22, Block 3, Section 35, T2N, R7E, and the north 10 feet of Lots 8, 8B, and 9 through 12, and the south 40 feet of the vacated Rapid Street adjacent to said lots, Block 6 all located in Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sum Place, Twelfth Street and West Rapid Street.

Planning Commission recommended that the Planning Commission approve the Summary of Adoption and authorize publication in the Rapid City Journal.

8. No. 05PL041 - Gravatt Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the September 8, 2005 Planning Commission meeting.

9. 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 August 25, 2005 Planning Commission meeting.

10. No. 05PL090 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, L.L.C. to consider an application for a **Preliminary Plat** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to West Nike Road.

Planning Commission recommended that the Preliminary Plat be continued to the September 8, 2005 Planning Commission meeting.

11. No. 05PL127 - North Star Subdivision

A request by Phil Olsen for Heartland Development Group to consider an application for a **Preliminary Plat** on Lots 1, 8, 9, 10 and drainage Lot 11, Block 1; Lots 1 through 6, Block 2, Lot 2; Block 3 and dedicated public Right-of-Way located in the NE1/4 NE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of Lot D located in the NE1/4 NE1/4, less Northstar Subdivision and less the Right-of-Way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the Seger Drive and Dyess Avenue intersection.

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

- 1. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 2. Prior to submittal of a Final Plat application, all necessary changes shall be made to the plat document as identified on the red lined drawings. In particular, the plat document shall be revised to show a fifty foot non-access easement along the corner of Lot 8, Block 1 and Lot 2, Block 3; and,**
- 3. 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.**

12. No. 05PL129 - Section 35, T1N, R7E (Wal-Mart 2nd Addition)

A request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. to consider an application for a **Layout Plat** on Lots 1 through 6, Wal-Mart Second Addition Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the west 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 712.71 feet to the point of beginning; Thence, first course: S00°00'22"W, along the west 1/16th line of Section 35, a distance of 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

Planning Commission recommended that the Layout Plat be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

13. No. 05PL131 - Edgewood Estates Addition

A request by Kadrmas, Lee and Jackson for Edgewood Estates to consider an application for a **Preliminary Plat** on Lot 1, Block 1, Edgewood Estates Addition, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: Commencing at the southeast corner of Lot 1, Block 5, of the Plat Of Auburn Hills Subdivision; Thence S0 10'40"W for 3.16 feet; Thence along a curve to the right with a delta angle of 45 00'00", a radius of 174.00 Feet and an Arc length of 121.57 feet; Thence S40 12'27"W for 115.26 feet to the Point of Beginning; Thence from said point of beginning S40 12'27"W for 22.69 feet; Thence along a curve to the left with a delta angle of 40 01'24", a radius of 226.00 feet and an Arc length of 157.87 Feet; Thence S00 11'02"W for 301.03 feet; Thence S89 57'18"W for 478.00 feet; Thence N00 11'33"E for 525.82 feet; Thence N90 00'00"E for 400.98 feet; Thence long a curve to the right with a delta angle of 40 12'27", a radius of 194.00 feet and an arc length of 136.14 feet; Thence S49 47'33"E For 25.06 feet to the said point of beginning. Said Tract contains 256,040 square feet or 5.878 acres, more generally described as being located at the southern terminus of Chalkstone Drive.

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

14. No. 05PL132 - Park Hill Subdivision

A request by Cetec Engineering Services, for Bruce Kulpaca to consider an application for a **Preliminary Plat** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east side of Merlot Drive and north of East Oakland Street.

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

1. **An Exception is hereby granted to allow access to Lot 12, Block 1 from Merlot Drive in lieu of "New Street" which is the lesser order street;**
2. **An Exception is hereby granted to allow a curb side sidewalk along Merlot Drive as it abuts Lot 12, Block 1;**
3. **Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing the private utilities shall be submitted for review and approval;**
4. **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;**
5. **Prior to Preliminary Plat approval by the City Council, the hammerhead design shall be adjusted to provide a minimum 120 foot turnaround at the end of the street in lieu of 100 feet as per the**

International Fire Code;

6. **Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
 7. **Prior to 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 southwest corner of Lot 12, Block 1;**
 8. **Prior to submittal of a Final Plat application, a different street name shall be submitted for review and approval for "New Street". In addition, the plat document shall be revised to show the approved street name;**
 9. **Prior to submittal of a Final Plat application, the plat title shall be revised to include "Park Hill Subdivision (formerly Tract B of the NW1/4SE1/4 of Section, T1N, R8E) located in..."; and,**
 10. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
15. No. 05PL133 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Preliminary Plat** on Lots 9 through 24, Block 18; Lots 7 through 11, Block 19; Lots 8 through 14, Block 20; and Lots 16 and 17, Block 24; Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T, Trailwood Village Subdivision, located in the N1/2 SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located extending northwest from the current northern terminus of Savannah Street.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, a copy of the geotechnical report as referenced on the construction plans shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, the drainage information shall include calculations addressing the capacity of the Trailwood detention pond, the need for a metering structure and a downstream analysis of drainage flows. In addition, the plat document shall be revised to show drainage easements as needed;**
4. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit additional water information demonstrating that adequate domestic and fire flows are being provided;**
5. **Prior to Preliminary Plat approval by the City Council, construction**

plans showing the installation of street light conduit along Savannah Street, Benjamin Street and Preston Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
7. 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. 05PL134 - Sheridan Lake Highlands

A request by Sperlich Consulting for Dean Kelly Construction to consider an application for a **Preliminary Plat** on Lots 1 through 10, Block 1, Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Sawmill Road and Sheridan Lake Road.

Planning Commission recommended that the Preliminary Plat be continued to the August 25, 2005 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 05PL135 - Red Rock Estates Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** on Lots 1 through 6, Block 19; Lots 1 through 6, Block 20; Lots 1 through 39, Block 21; Lots 1 through 8, Block 22 and dedicated public right-of-way, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 N1/2 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Muirfield Drive and Dunsmore Road.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the Planning Commission, design plans for the construction of Detention Cell #101 shall be submitted for review and approval and completed as a part of the subdivision improvements or the Red Rock Drainage Basin Plan shall be amended accordingly and alternative storm water management facilities shall be provided;

3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit additional water information demonstrating that adequate fire and domestic flows are being provided at peak hour demand;
 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide drainage, water and other utility easements as needed for those improvements and/or utilities located outside of rights-of-way;
 5. Prior to Preliminary Plat approval by the City Council, construction plans for the reconstruction of the intersection of Portrush Drive and Muirfield Drive shall be submitted for review and approval. In particular, the intersection of Muirfield Drive and Portrush Drive shall be reconstructed to create Muirfield Drive in a "T" design with the Portrush Drive. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;
 6. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
 7. An Exception to allow a 1,400 foot distance between intersections in lieu of a maximum distance of 1,200 feet is hereby granted;
 8. Prior to submittal of a Final Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the south lot line of Lot 1, Block 19 and Lot 1, Block 20 as they abut Portrush Drive. In addition, a non-access easement shall be shown along the first fifty feet of all corner lots; and,
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
18. No. 05SR031 - Section 19, T2N, R8E
A request by CETEC Engineering Services, Inc. for City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of a public lift station** on NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Country Road and east of West Nike Road.
- Planning Commission continued the 11-6-19 SDCL Review to allow the construction of a public building on public land to the August 25, 2005 Planning Commission meeting at the applicant's request.**
20. No. 05VE015 - Kensington Heights Subdivision
A request by Loren Miles for 4 Miles Investment LLC to consider an application for a **Vacation of Non-Access Easement** on Lot 1, Block 2, Kensington Heights

Subdivision, Section 18 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 559 Field View Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved.

19. No. 05SR040 - Rapid City Greenway Tract

A request by Larry Dale for Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review to allow temporary structures for use with alcohol sales on public property** on Lot CR, Lot F and Lot ER less Hotel Lot, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North Fifth Street and 444 North Mount Rushmore Road.

Brown stated that he would abstain from the discussion and vote on this issue due to a conflict of interest.

Prairie Chicken moved, Schmidt seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow temporary structures for use with alcohol sales on public property with the following stipulations:

1. **Prior to the initiation of the event, a Temporary Use Permit shall be obtained;**
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 Fire Code;**
3. **Adequate access for Fire Department apparatus shall be continually maintained for the duration of the special event;**
4. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
5. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
6. **If access is not provided to restroom facilities located within the Rushmore Plaza Civic Center, then portable chemical toilets shall be provided during the event;**
7. **The SDCL 11-6-19 Review to allow temporary structures on public property for use during the Harley Davidson Trade Show shall be valid for three years. More specifically, the use shall be allowed for one eight day span of time each year. (5 to 0 to 1 with Anderson, LeMay, Prairie Chicken, Nash and Schmidt voting yes and none voting no and Brown abstaining.)**

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

Nash announced that the Public Hearings on Items 21 through 36 were opened.

Staff requested that Items 24, 25, 26, 28 and 29 be removed for separate

consideration.

A member of the audience requested that Items 34 be removed for separate consideration.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 21 through 36 in accordance with the staff recommendations with the exception of Items 24, 25, 26, 28, 29 and 34.

(6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 21 through 36 were closed with the exception of Items 24, 25, 26, 28, 29 and 34.

---HEARING ITEMS CONSENT CALENDAR---

21. No. 04CA029 – Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on 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 September 22, 2005 Planning Commission meeting at the applicant's request.

22. No. 04SV042 – Hyland Park Subdivision

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

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way; and, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

23. 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 September 22, 2005 Planning Commission meeting at the applicant's request.

*27. No. 05PD041 – Eastridge Estates Subdivision

A request by Centerline for PLM Land Development, LLC to consider an application for a **Planned Residential Development – Initial and Final Planned Residential Development** on Lots 1 through 15, Block 1 and Lot 19, Block 2; Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as commencing from the Point of Beginning, the North Quarter Corner of Section 24, T1N, R7E a rebar with cap marked "Davis #3095", thence S00°05'52"W – 623.22' to a point, thence N89°31'32"W – 68.00' to a point, thence S00°04'11"W – 6.78' to a point, thence S39°31'16"W – 15.73' to a point, thence S00°02'20"W – 52.00' to a point, thence S32°11'27"E – 18.62' to a point, thence S00°02'20"W – 107.70' to the northeast corner of Lot 18B in Block 2 of Eastridge Estates, a rebar with cap marked "RLS 3977", thence N89°58'01"W – 100.04' to a rebar with cap marked "RLS 3977", thence S00°02'20"W – 298.38' to a rebar with cap marked "RLS 3977", thence S03°33'57"W – 19.48' to a rebar with cap marked "RLS 3977", thence S13°29'25"W – 37.14' to a rebar with cap marked "RLS 3977", thence S26°43'09"W – 37.18' to a rebar with cap marked "RLS 3977", thence S39°53'41"W – 37.21' to a rebar with cap marked "RLS 3977", thence S50°26'32"W – 22.38' to a rebar with cap marked "RLS 3977", thence S54°24'38"W – 133.93' to a rebar with cap marked "RLS 3977", thence N35°35'14"W – 98.48' to a rebar with cap marked "RLS 3977", thence N44°27'27"W – 245.69' to a rebar with cap marked "RLS 3977", thence N79°44'48"W – 240.37' to a rebar with cap marked "RLS 3977", thence N16°51'47"E – 1075.77' to a point, thence S89°40'08"E – 500.00' to the Point of Beginning. Said parcel containing 16.24 acres more or less, more generally described as being located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.

Planning Commission continued the Planned Development – Initial and Final Planned Residential Development to the August 25, 2005 Planning Commission meeting.

*30. No. 05PD053 – Edgewood Estates Addition

A request by Kadrmass, Lee and Jackson for Edgewood Estates to consider an application for a **Planned Residential Development – Initial and Final Development Plan** on a Tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: Commencing at the southeast corner of Lot 1, Block 5, of the Plat of Auburn Hills Subdivision; Thence S00°10'40"W for 3.16 feet; Thence along a

curve to the right with a delta angle of 45 00'00", a radius of 174.00 feet and an arc length of 121.57 feet; Thence S40 12'27"W for 115.26 feet to the Point of Beginning; Thence from said Point of Beginning S40 12'27"W for 22.69 feet; Thence along a curve to the left with a delta angle of 40 01'24", a radius of 226.00 feet and an arc length of 157.87 feet; Thence S00 11'02"W for 301.03 feet; Thence S89 57'18"W for 478.00 feet; Thence N00 11'33"E for 525.82 feet; Thence N90 00'00"E for 400.98 feet; Thence long a curve to the right with a delta angle of 40 12'27", a radius of 194.00 feet and an arc length of 136.14 feet; Thence S49 47'33"E for 25.06 feet to the said point of beginning. Said Tract contains 256,040 square feet or 5.878 acres, more generally described as being located at the southern terminus of Chalkstone Drive.

Planning Commission denied the Planned Residential Development – Initial and Final Development Plan 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.

31. No. 05SV021 – Gravatt Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 8, 2005 Planning Commission meeting.

32. No. 05SV023 – Brentwood Subdivision

A request by Brent Pushing to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, all

located in Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.

The Planning Commission recommended approval of the Variance to the Subdivision Regulations to waive the requirement to pave Sun Ridge Road with the following stipulations:

1. that a 24 foot wide chip seal road be provided; and,
2. that the applicant sign a waiver of right to protest any future assessment for the improvement.

33. No. 05SV033 – Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to West Nike Road.

Planning Commission recommended that the Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Section 16.16 of the Rapid City Municipal Code be continued to the September 8, 2005 Planning Commission meeting.

35. No. 05SV052 – Sheridan Lake Highlands

A request by Sperlich Consulting for Dean Kelly Construction to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk, water and sewer along the internal streets; and to install curb, gutter, street light conduit, sidewalk, sewer, water and pavement and to allow platting half a right-of-way along Sawmill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 10, Block 1, Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Sawmill Road and Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk, water and sewer along the internal streets; to install curb, gutter, street light conduit, sidewalk, sewer, water and pavement and to allow platting half a right-of-way along Sawmill Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 25, 2005 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

36. No. 05RZ047 – Section 35, T1N, R7E (Wal-Mart 2nd Addition)

A request by Buescher Frankenberg Associates for Wal-Mart Stores, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a portion W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the west 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 712.71 feet to the point of beginning; Thence, first course: S00°00'22"W, along the west 1/16th line of Section 35, a distance of 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

Elkins requested that Items 24, 25 and 26 be taken concurrently.

24. No. 05CA032 - Harter Subdivision

A request by Johnny Sundby for Hay Camp Co. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximately .62 acre parcel from Residential to Office Commercial with a Planned Commercial Development** 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 2532 Canyon Lake Drive.

*25. 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.

26. No. 05RZ045 - Harter Subdivision

A request by Johnny Sundby for Hay Camp Co. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial 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 2532 Canyon Lake Drive.

Elkins stated that an error was made in legal advertising and requested that the Comprehensive Plan, the Planned Unit Development and the Rezoning for Harter Subdivision be continued to the August 25, 2005 Planning Commission meeting.

In response to Anderson's questions, Elkins advised that the date in the Publication Notice were incorrect.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan, the Planned Unit Development - Initial and Final Development Plan and the Rezoning from Medium Density Residential District to Office Commercial District be continued to the August 25, 2005 Planning Commission meeting. (6 to 0 with Anderson, Brown, LeMay, Prairie Chicken, Nash and Schmidt voting yes and none voting no.)

28. No. 05RZ046 – Eastridge Estates Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1 through 15, Block 1; and Lot 19, Block 2, Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as commencing from the Point of Beginning, the North Quarter Corner of Section 24, T1N, R7E a rebar with cap marked "Davis #3095", thence S00°05'52"W – 623.22' to a point, thence N89°31'32"W – 68.00' to a point, thence S00°04'11"W –

6.78' to a point, thence S39°31'16"W – 15.73' to a point, thence S00 02'20"W – 52.00' to a point, thence S32°11'27"E – 18.62' to a point, thence S00°02'20"W – 107.70' to the northeast corner of Lot 18B in Block 2 of Eastridge Estates, a rebar with cap marked "RLS 3977", thence N89°58'01"W – 100.04' to a rebar with cap marked "RLS 3977", thence S00°02'20"W – 298.38' to a rebar with cap marked "RLS 3977", thence S03 33'57"W – 19.48' to a rebar with cap marked "RLS 3977", thence S13°29'25"W – 37.14' to a rebar with cap marked "RLS 3977", thence S26°43'09"W – 37.18' to a rebar with cap marked "RLS 3977", thence S39°53'41"W – 37.21' to a rebar with cap marked "RLS 3977", thence S50°26'32"W – 22.38' to a rebar with cap marked "RLS 3977", thence S54°24'38"W – 133.93' to a rebar with cap marked "RLS 3977", thence N35°35'14"W – 98.48' to a rebar with cap marked "RLS 3977", thence N44°27'27"W – 245.69' to a rebar with cap marked "RLS 3977", thence N79°44'48"W – 240.37' to a rebar with cap marked "RLS 3977", thence N16°51'47"E – 1075.77' to a point, thence S89°40'08"E – 500.00' to the Point of Beginning. Said parcel containing 16.24 acres more or less, more generally described as being located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.+

Elkins advised that the applicant has requested that the Rezoning be continued to the August 25, 2005 Planning Commission meeting.

In response to Schmidt's questions, Elkins stated that the related item 27 is continued and requires that additional information be submitted by the applicant.

Anderson moved, LeMay seconded and unanimously carried to recommend that the Rezoning from General Agriculture District to Low Density Residential District be continued to the August 25, 2005 Planning Commission meeting. (6 to 0 with Anderson, Brown, LeMay, Prairie Chicken, Nash and Schmidt voting yes and none voting no.)

*29. No. 05PD049 – Big Sky Business Park

A request by ARC International, Inc. for Black Hills Federal Credit Union to consider an application for a **Planned Commercial Development – Initial Development Plan to allow the construction of a commercial structure** on Lot 1, Block 1, located in the SW1/4 NW1/4 and the S1/2 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Homestead Street and Elk Vale Road.

Elkins stated that an error was made in the legal advertising and requested that the Planned Commercial Development be continued to the August 25, 2005 Planning Commission meeting.

LeMay moved, Prairie Chicken seconded and unanimously carried to continue the Planned Commercial Development – Initial Development Plan to allow the construction of a commercial structure to the August 25, 2005 Planning Commission meeting. (6 to 0 with Anderson, Brown, LeMay, Prairie Chicken, Nash and Schmidt voting yes and none voting no.)

34. No. 05SV050 – Park Hill Subdivision

A request by CETEC Engineering Services, Inc. for Bruce Kulpaca to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east side of Merlot Drive and north of East Oakland Street.

Mike Gibbs, area resident stated that he was speaking on behalf of other homeowners in the area. He stated his support for the variance, on the condition that the proposed development site is constructed as a single family dwelling residential.

In response to Schmidt's question, Elkins expressed concern with conditioning a subdivision variance for the design of the lot on the specific use of the property. Discussion followed.

Landeen stated he would need to review the issue further to make a determination.

LeMay stated his concern with review of the Layout Plat at this time.

Brian Fitz, area resident, expressed concern with construction of low-income multi-family dwellings and increased traffic on the proposed development site.

Prairie Chicken moved to continue the Variance to the end of the Planning Commission meeting to allow the City Attorney's staff to review the issue. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*37. No. 05PD048 - Donhiser Addition

A request by Sperlich Consulting for Sheridan Lake Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow construction of an office building** on Lots 1 and 2 of Lot K, less Lot 1 of the NW1/4 NE1/4, Lot 1 of Lot J, the W1/2 of the adjacent vacated alley and the N1/2 of the adjacent vacated Clower Lane, Harter Addition and Lot B, Donhiser Addition and the N1/2 of the adjacent vacated Clower Lane all located in the NW1/4 NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620, 624, 630 and 636 Sheridan Lake Road.

Tucker reviewed the staff recommendation to approve the Major Amendment to Planned Commercial Development. Tucker stated that an error was made in legal advertising and requested that the Planned Commercial Development be continued to the August 25, 2005 Planning Commission meeting.

LeMay moved, Schmidt seconded and unanimously carried to continue the Major Amendment to a Planned Unit Development to allow construction of an office building to the August 25, 2005 Planning Commission meeting.

*38. No. 05PD052 - Woodridge Subdivision

A request by Jared Tordsen to consider an application for a **Major Amendment to the Planned Residential Development to allow a reduced front yard setback** on Lots 59 and 60, Woodridge Subdivision, NE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Parkwood Road.

Tucker reviewed the staff recommendation to approve the Major Amendment to Planned Residential Development. Tucker stated that an error was made in legal advertising and requested that the Planned Residential Development be continued to the August 25, 2005 Planning Commission meeting. Tucker advised that area residents are present and would like to address this item.

Betty Flory, area resident, expressed concern with the structural integrity of the proposed construction. Flory presented photographs of the proposed development site and adjacent structures. Flory stated her opinion that drainage problems resulting from the proposed development would compromise the property.

In response to Schmidt's question regarding drainage analysis, Horkey advised that the applicant have submitted a drainage analysis and a geotechnical report. She stated that the geotechnical report recommends that the foundation should be placed on the bedrock. She stated that the applicant has constructed a drainage channel and a retaining wall to divert water runoff.

In response to the Schmidt's question, Horkey advised that the drainage analysis and geotechnical report were submitted to the City of Rapid City for review and that she has analyzed both reports. She advised that the Geotechnical report stated specific recommendations for construction of the proposed structure.

In response to Schmidt's question regarding a reduction of the front yard setback, Elkins advised that the topography of the proposed site is the reason the applicant has requested the reduction in the setback.

Flory, expressed concern with soil movement at the property located above the subject property. Flory requested that the Planned Residential Development be continued. Discussion followed

Elkins advised that copies for the drainage analysis and geotechnical report are available at the Growth Management Department.

Brown moved, Prairie Chicken seconded and unanimously carried to continue the Major Amendment to the Planned Residential Development to allow a reduced front yard setback to the August 25, 2005 Planning Commission Meeting.

39. No. 05PL130 - Kostelecky Subdivision

A request by Alliance of Architects for Leon Brodie to consider an application for a **Layout Plat** on Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3725 Anderson Road.

Elkins presented slides of the Layout Plat. She stated reviewed the Layout Plat and a Variance to the Subdivision Regulations Elkins advised that the subject property is currently zoned Limited Agriculture District. Elkins advised that staff is recommending approval with stipulations.

Bob Rothermel, ARC, Int. stated that the owner is in agreement with most of the stipulations submitted by staff. Rothermel commented that the applicant requests the opportunity to discuss certain stipulations for reconsideration and requested that the Layout Plat and the associated Variance be continued to August 25, 2005 Planning Commission meeting.

In response to Nash's question, Elkins advised that the applicant requested a reduction in the pavement width and that the applicant not be required to extend the water line to the eastern end of the subject property. Elkins commented that staff is recommending that the water line requirements be implemented for possible future area improvements.

Discussion followed with regard to water and paving issues.

Rothermel stated the applicant is requesting that 6 inch mains be allowed rather than 8 inch mains, that the length of the main be reduced and that the requirement for 24 feet of paved roadway be reduced to 22 feet.

Schmidt moved, LeMay seconded to approve the Layout Plat and the associated Variance with stipulations as entered by the staff.

In response to Anderson's question regarding minimum required water line, Elkins stated that the burden is on the applicant to extend the utilities the full width of the property. Elkins stated that eight inches is the minimum standard for City water lines. Discussion followed.

In response to Brown's questions, Bill commented that the eight inch water main is necessary for adequate fire protection. Discussion followed.

Hadcock expressed concern with a reduction of the pavement width due to the

potential negative affect on the Fire Department and safety factors.

Anderson, expressed concerns with the right-of-way width.

In response to Howard Reisen, area resident, request for information with regard to the service of water for the development, Rothermel advised that a community well would be provided. Reisen expressed concern with the affects of the subdivision on irrigation and well's going dry.

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

- 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that discharge shall not exceed pre-developed flow rates and shall not exceed capacity of downstream facilities. Any discharge onto adjacent properties shall be located within designated drainage easements. 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, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 5. Upon submittal of a Preliminary Plat application, construction plans for Baron Street shall be submitted for review and approval. In particular, Baron Street shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The**

- construction plans shall also show the proposed turnaround(s) located in a minimum 110 foot wide right-of-way and constructed with a minimum 92 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, the two ninety degree radius turns along Baron Street shall be reconfigured to support a minimum 20 mile per hour design speed or an Exception to the Street Design Criteria Manual shall be obtained;
 7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the extension of Baron Street to the west lot line of the subject property;
 8. Upon submittal of a Preliminary Plat application, the location of the approach to "Lot 5R" located directly north of the subject property shall be shown to insure that adequate separation is provided between Baron Street as it extends west from Anderson Road and the approach or an Exception to the Street Design Criteria Manual shall be obtained;
 9. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 10. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained;
 11. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
 12. Prior to submittal of a Final Plat application, a road maintenance agreement for Baron Street shall be submitted for review and approval;
 13. Prior to submittal of a Final Plat application, a maintenance agreement for the community water system shall be submitted for review and approval; and,
 14. 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, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)
40. No. 05SV049 – Kostelecky Subdivision
A request by Alliance of Architects for Leon Brodie to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install gutter, street light conduit, sidewalk on both sides of the street, sewer, water and reduce pavement width along Baron Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County,

South Dakota, more generally described as being located at 3725 Anderson Road.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and sewer be approved with the following stipulations:

- 1. A sidewalk be provided along one side of the street; and,**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to install water and to reduce the pavement width from 24 feet to 22 feet be denied. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

41. No. 05SE008 – Kensington Heights Subdivision

A request by Sperlich Consulting for Kensington Heights LLC to consider an application for an **Exception to the 40 Unit Rule to allow 48 dwelling units with one point of access in Lieu of 40 dwelling units as per the Street Design Criteria Manual** on Lots 9R and 10, Block 2, Lots 6 through 10, Block 3, Kensington Heights Subdivision; and temporary easement located in the E1/2 of the S1/2, Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9, Block 2, Kensington Heights Subdivision, and a portion of the E1/2 of the S1/2, Government Lot 4, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side and the south side of Dawn Drive.

Elkins reviewed the request for an Exception to the 40 Unit Rule to allow 48 dwelling units with one point of access in Lieu of 40 dwelling units as per the Street Design Criteria Manual. She stated that applicant is requesting to develop the project in two phases. Elkins advised that staff is recommending denial of the Exception. However, she noted that other similar exceptions have been granted by the City Council when the number of dwelling units was less than 50

Brown moved, Schmidt seconded and unanimously carried to recommend that the Exception to the 40 Unit Rule to allow 48 dwelling units with one point of access in Lieu of 40 dwelling units as per the Street Design Criteria Manual be denied. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

42. No. 05SR041 - Olson Subdivision

A request by Buell Consulting for Cellular Inc. Network Corporation to consider an application for an **11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cell tower** on Utility Lot 1 of Lot B, Olson Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Radar Hill

Road between Morning View Drive and Bus Barn Road.

Tucker stated 11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cell tower. Tucker advised that the property is located in the County and is within the three platting jurisdiction of the City of Rapid City. Tucker stated that staff has concerns with structures encroachment into air space. Tucker advised that staff is recommending that the 11-6-19 Review be continued to the August 25, 2005 Planning Commission.

John Rowe, Buell Consulting, expressed his opinion that the structure is existing and the generator would provide backup power for emergency situations.

Discussion followed.

Schmidt moved, Brown seconded and unanimously carried to continue 11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cell tower be continued to the August 25, 2005 Planning Commission meeting. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

43. No. 05SV051 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 9 through 24, Block 18; Lots 7 through 11, Block 19; Lots 8 through 14, Block 20; and Lots 16 and 17, Block 24; Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T, Trailwood Village Subdivision, located in the N1/2 SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the northeast and southwest sides of Savannah Street.

Elkins stated that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled as it is not needed. She stated that staff is recommending that the Variance to waive the requirement for street light conduit be denied.

Schmidt moved, LeMay seconded and unanimously carried to recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled; and, That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Nash reopened the Public Hearing on item 34.

34. No. 05SV050 – Park Hill Subdivision

A request by CETEC Engineering Services, Inc. for Bruce Kulpaca to consider

an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east side of Merlot Drive and north of East Oakland Street.

Elkins stated that a Planned Development approval for townhomes would need to be obtained prior to any townhouse development occurring on the subject property. Elkins explained the Planned Development procedure.

Landeen advised that it would not be appropriate to grant the subdivision variance based on the condition property not be used for any use other than a single family dwelling. Landeen commented that the area residents would be satisfied with the notification of any proposed Planned Development on the subject property. Discussion followed.

In response to Anderson's question, Elkins advised that area resident's would have the opportunity to address the Planning Commission with any concerns, comments or opposition they may have regarding the development of any potential townhouse project on the subject property. Discussion followed.

Mike Gibbs, area resident noted that the developer is not the same one that initiated the surrounding subdivision.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

44. Discussion Items

Possible Ordinance Amendments to allow use of Recreational Vehicles in Residential Zoning Districts.

Elkins stated that the Ordinance Amendment is in relation to recreational vehicles in a Residential Zoning Districts that has come before the Public Works Committee. Elkins stated that an individual received a Code Enforcement letter that stated that the applicant was in violation of the 25 foot setback for storage of a recreational vehicle. Elkins commented that the Public Works Committee was advised that the resident traveled south for the winter and stays with family in the summer. Elkins stated that the Public Works Committee had requested that the Planning Commission consider ordinance amendments to allow individuals to stay in recreational vehicles during certain times or allow the use as a Conditional Use. Elkins stated that there have been concerns from the public that these uses would allow a second residence on a property creating a substandard

situation. She advised that Council has forwarded this discussion for review to the Planning Commission.

In response to Nash's question, Elkins stated that the recreational vehicle has to be stored outside of the 25 foot front yard set back is currently a requirement in City Ordinance. Elkins commented that Code Enforcement receives a number of complaints throughout the year regarding recreational vehicles utilized as temporary residence.

Schmidt expressed his opinion that there should not be any changes made to the existing ordinance.

Prairie Chicken expressed his opinion that ordinance should remain unchanged.

Nash expressed his opinion that Ordinance language should remain unchanged.

Prairie Chicken moved, LeMay seconded and unanimously carried to recommend that existing ordinances not be modified relating to the Recreation Vehicles. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

45. Staff Items

Elkins advised that Todd Tucker would be leaving the Growth Management Department and would be moving to Boise, Idaho. She expressed her appreciation for all of his hard work during his short time with the City.

47. Committee Reports

A. City Council Report (July 18, 2005)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 05PL110 - Morrison Subdivision

A request by D.C. Scott Co. for William Morrison to consider an application for a **Preliminary Plat** on Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Morrison Subdivision, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B, Lot 3, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive between Reservoir Road and Green Field Drive.

On July 7, 2005 the Planning Commission recommended that the Preliminary Plat be denied without prejudice. On July 18, 2005 the City Council approved the Preliminary Plat.

There being no further business, Schmidt moved, LeMay seconded and unanimously carried to adjourn the meeting at 8:20 a.m. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)