

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 27, 2004

MEMBERS PRESENT: Ida Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken and Ethan Schmidt

STAFF PRESENT: Marcia Elkins, Karen Bulman, Todd Tucker, Bill Knight, Joel Landeen, Curt Huus, Sig Zvejnieks, Dave Johnson, and Nadine Bauer

Chairperson Hoffmann called the meeting to order at 7:12 a.m.

Hoffmann 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.

Nash requested that Item 5 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 2 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, seconded by Schmidt and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 9 in accordance with the staff recommendations with the exception of Items 2 and 5. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the May 6, 2004 Planning Commission Meeting Minutes.

3. No. 04PL059 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Blocks 3 thru 7 of Block 5, Lots 1 thru 4 of Block 7, Auburn Hills Subdivision, and Major Drainage Easement in the NW1/4 of the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of the SW/14, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Auburn Drive and Coal Bank Drive.

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

- 1. Prior to Preliminary Plat approval by the City Council, 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 Engineering Division;**
- 2. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a drainage report**

including calculations shall be submitted for review and approval or an addendum to the existing report shall be submitted for review and approval;

4. Prior to Preliminary Plat approval by the City Council, a revised Master Plan for the unplatted balance shall be submitted for review and approval. In particular, the Master Plan shall identify the extension and location of Cool Bank Drive through the property;
 5. Prior to submittal of a Final Plat application, miscellaneous documents securing access easements for the temporary turnaround(s) shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded access easements shall be submitted with the Final Plat application;
 6. Prior to submittal of a Final Plat application, a miscellaneous document securing a drainage easement on a portion of the unplatted balance shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded drainage easement shall be submitted with the Final Plat application; 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.
4. No. 04PL060 - Kennsington Heights Subdivision
A request by Sperlich Consulting, Inc. for Jim Scull to consider an application for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the future intersection to Elm Avenue and Field View Drive.

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

1. Prior to Preliminary Plat approval by the City Council, Elm Avenue right-of-way shall be dedicated either as a part of the Preliminary Plat for the subject property or on a separate Preliminary and Final Plat proposal or as an H Lot. In addition, the plat document shall be revised to dedicate an additional ten feet of right-of-way along Elm Avenue or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, an erosion control design for the storm pipe discharge shall be submitted for review and approval. In addition, the drainage information shall demonstrate that the flared and elbow sections of the storm pipe tie-rod together for the appropriate length;
3. Prior to Preliminary Plat approval by the City Council, 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 Engineering Division;
4. Prior to Preliminary Plat approval by the City Council, the plat document

shall be revised to show a non-access easement along Elm Avenue, Field View Drive and along the corner lots as per the Street Design Criteria Manual. In addition, access shall be taken from the lesser order street or a Special Exception to the Street Design Criteria Manual shall be obtained;

5. A Special Exception to reduce the separation between the Field View Drive/Elm Avenue intersection and the Field View Drive/Davin Drive intersection from 125 feet to 90 feet as per the Street Design Criteria Manual is hereby granted;
6. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a different street name for Craig Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
8. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Elm Avenue; and,
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

6. No. 04SR023 - Section 28, T2N, R8E

A request by Rick Himmelspach for Montana Dakota Utilities Company to consider an application for an **11-6-19 SDCL Review to allow a 16 foot wide utility easement for the construction of utilities on public property** on the unplatted portion of S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a 16 foot wide utility easement for the construction of utilities on public property be continued to the June 10, 2004 Planning Commission meeting to allow the applicant to submit a request to the City Council to grant a 16 foot wide utility easement for the proposed utility construction to be located on City owned property.

7. No. 04SR024 - Robbinsdale No. 8 Subdivision

A request by Unique Signs for the YMCA to consider an application for an **11-6-19 SDCL Review to allow construction of a sign in a public place** on Lot 38 and Lot 39, Block 11, Robbinsdale No. 8 Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3820 Odde Drive.

Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of a sign in a public place be approved with the following stipulation:

1. A Sign Permit shall be obtained prior to installation of the sign.

8. No. 04SR026 - Millard Addition Subdivision

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow construction of an irrigation system and ball field backstop, minor grading and new picnic tables in a public place** on the unplatted portion of Block 4, Millard Addition Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 220 College Avenue.

Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of an irrigation system and ball field backstop, minor grading and new picnic tables in a public place be approved with the following stipulations:

1. **Prior to construction of the ball field backstop, a Building Permit shall be obtained; and,**
2. **Prior to any grading on the property, a Grading Permit shall be obtained.**

9. No. 04SR029 - Rapid City Greenway Tract

A request by the Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review of a use in a public place** on Lot ER less Hotel Lot ER Original Town of Rapid City, Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park, 301 North Fifth Street.

Planning Commission recommend that the 11-6-19 SDCL Review of a use in a public place with the following stipulations:

1. **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, rides, food vender booths and other facilities as required by the Fire Code;**
2. **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;**
3. **No camping shall be permitted within the floodway or floodplain at any time;**
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. **No banners shall be allowed within the public right-of-way or on fences;**
7. **The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested as per the State Plumbing Code;**
8. **A Temporary Use Permit shall be obtained prior to initiation of the event;**
9. **All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;**

10. **The grounds shall be cleaned daily and shall be continually kept clear of debris and trash; and,**
11. **The proposed event shall be allowed to operate for no more than fourteen event days per year in 2004, 2005 and 2006. The applicant shall submit another SDCL 11-6-19 Review in order for the event to continue past 2006.**

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

2. No. 04AN003 - Sections 19 and 20, T1N, R8E

A request by the City of Rapid City to consider an application for a **Petition for Annexation** on the N1/2 NE1/4 and the N1/2 NW1/4 of Section 20, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Pennington County, South Dakota; and, all of the Section Line right-of-way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of SD Highway 79 South and Folsom Road.

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

In response to a question by Marvin Paschke, Hoff Family Ranch, Bulman explained that in 2000 the City Council set aside a map showing different areas that they would like to have annexed into the City limits on a short-term basis and on a long-term basis. She added that this particular parcel was identified as a short-term goal and the City Council authorized staff to seek voluntary annexation. She further explained that over 75% of the property owners in this area have signed the Petition for voluntary annexation. She stated that the only property owner that did not sign the voluntary annexation was the Hoff Family Partnership.

Paschke expressed concerns with sewer, water and drainage. He stated that he opposes the annexation and the affect that it will have on their cattle business.

Discussion followed concerning the Southeast Connector, extension of water and sewer, contours of the land and zoning regulations.

Kay Paschke, Hoff Family Ranch, stated that she opposed the annexation.

In response to a question by Nash, Bulman stated that the proposed property to be annexed is contiguous to the city limits and included six property owners.

Discussion followed concerning rezoning the property to Agriculture Zoning District once it is annexed into the City limits and the Hoff Family Ranch's cattle operation.

Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the Petition for Annexation be approved. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

5. No. 04SR022 - Rapid City Greenway Tract

A request by Mark Parette for Black Hills Corporation to consider an application for an **11-6-19 SDCL Review of a temporary structure in a public place** on Tracts 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

In response to a question by Nash, Tucker advised that the applicant has not addressed the disposal of animal waste from the petting zoo.

Discussion followed concerning revising stipulation 9 to read that prior to issuance of a Temporary Use Permit, a plan addressing the management and disposal of animal waste shall be provided for review and approval.

Mark Parette, Black Hills Corporation, stated that the applicant would address the management and disposal of the animal waste prior to issuance of a Temporary Use Permit.

Nash moved, seconded by Schmidt and unanimously carried to recommend that the 11-6-19 SDCL Review of a temporary structure in a public place be approved 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 Fire Code;**
- 3. Adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;**
- 4. 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;**
- 5. 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;**
- 6. All requirements of the Floodplain Development Ordinance shall be met at all times;**
- 7. No alcoholic beverages shall be allowed in the park;**
- 8. Prior to Planning Commission approval, a copy of the lease agreement for the leased parking shall be submitted for review and approval;**
- 9. Prior to issuance of a Temporary Use Permit, a plan addressing the management and disposal of animal waste shall be provided for review and approval;**
- 10. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;**
- 11. The temporary structures shall be erected in the location shown on the submitted site plan to insure they do not encroach into the hydraulic floodway; and,**
- 12. The proposed event shall only be allowed between the hours of 7:00 AM**

and 3:00 PM on June 26, 2004. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 10 through 21 were hereby opened.

Nash requested that Items 13, 14, 19 and 21 be removed from the Hearing Consent Agenda for separate consideration. Henning requested that Item 15 be removed from the Hearing Consent Agenda for separate consideration.

Henning moved, seconded by Nash and unanimously carried to recommend approval of the Hearing Consent Agenda Items 10 through 21 in accordance with the staff recommendations with the exception of Items 13, 14, 15, 19 and 21. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings on Items 10 through 21 were hereby closed.

10. No. 04CA013 - Section 11, T1N, R7E

Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development in the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°05'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains

approximately 4.8 acres, more generally described as being located along Tower Road.

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

11. No. 04CA016 - Elk Vale Park

Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

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

12. No. 04CA017 - Stoney Creek Subdivision

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.92 acre parcel from Planned Residential Development with a maximum density of 4.8 dwelling units per acre to Low Density Residential on Lot 24, Block 3; Lots 4, 5 and Outlot A, Block 4; Lots 1-22, Block 6; and adjacent right of way, Stoney Creek Subdivision, located in NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Nugget Gulch Road and Catron Boulevard.

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

16. No. 04PL055 - Holy Cow Ranch Subdivision

A request by Sperlich Consulting Inc. for Gordon Howie to consider an application for a **Preliminary Plat** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Holy Cow Ranch Road.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Holy Cow Ranch Road shall be submitted for review and approval. In particular, the construction plans shall show Holy Cow Ranch Road located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a site plan identifying the location of the on-site wastewater system located on proposed Lot 8R;**
- 3. Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall submit written documentation concurring with the proposed relocated common lot line or the plat document shall be revised retaining a utility easement as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 5. Upon submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and,**
- 6. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

17. No. 04SV024 - Holy Cow Ranch 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 curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Holy Cow Ranch 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 pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

18. No. 04PL057 - Discovery Subdivision

A request by Renner & Associates for the City of Rapid City to consider an application for a **Preliminary Plat** on Tract 1 of Discovery Subdivision, located in

the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Rapid City Visitor's Center along East Mall Drive.

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

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the construction plans shall show Elk Vale Road located in a minimum 100 foot wide right-of-way and constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of an additional one foot to 17 foot of right-of-way along Elk Vale Road;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans for Mall Drive shall be submitted for review and approval. In particular, the construction plans shall show Mall Drive constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, construction plans for Taggart Road shall be submitted for review and approval. In particular, the construction plans shall show Taggart Road 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;**
- 4. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;**
- 5. Prior to Preliminary Plat approval by the City Council, the calculations and design for the drainage crossing at Taggart Road intersection shall be submitted for review and approval;**
- 6. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Elk Vale Road and all corner lots as per the Street Design Criteria Manual or a Special Exception shall be obtained;**
- 7. A Special Exception is hereby granted to reduce the separation from the Mall Drive/Elk Vale Road intersection and the approach to the proposed lot located north of Elk Vale Road from 460 feet to 300 feet as per the Street Design Criteria Manual;**
- 8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
- 9. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted in a form acceptable to the City Attorney and the subdivision inspection fees shall be paid.**

20. No. 04SV029 - Minnesota Ridge Heights Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC 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 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

---END OF HEARING CONSENT CALENDAR---

Nash requested that Items 13 and 14 be considered concurrently.

13. No. 04CA019 - Tower Ridge 2 Subdivision

A request by Adam Altman for Lincoln & Talbot Limited Partnership I to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.7975 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Tablerock Road.

14. No. 04RZ031 - Tower Ridge 2 Subdivision

A request by Adam Altman for Lincoln & Talbot Limited Partnership I to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Tablerock Road.

In response to a question by Nash, Fisher stated that the applicant has returned the receipts from the certified mailing and the sign has been posted on the property.

Nash moved, seconded by Schmidt and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 9.7975 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be approved and that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment request. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

15. No. 04OA006 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to modify the notification requirements for a Planned Development Designation (PDD) by amending Section 17.50.060 of the Rapid City Municipal Code.

Henning expressed her concerns with modifying the notification requirements for a Planned Development Designation (PDD).

Discussion followed concerning notification requirements, mailing costs and timeframes involved in the Planned Development Designation process.

Schmidt stated that in his opinion he opposes the ordinance amendment.

Hoffmann concurred with Schmidt.

Henning moved, seconded by Schmidt and unanimously carried to recommend that the Ordinance Amendment to modify the notification requirements for a Planned Development Designation (PDD) by amending Section 17.50.060 of the Rapid City Municipal Code be denied. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

19. No. 04SV028 - Discovery Subdivision

A request by Renner & Associates for the City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Rapid City Visitor's Center along East Mall Drive.

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

In response to a question by Nash, Fisher stated that the City Council directed that this parcel be platted for sale to the general public.

Fisher explained that staff is recommending that surety being posted for the design and construction of improvements when the Final Plat is brought forward. She stated that when the property is sold any future property owner would be responsible for those improvements of Mall Drive and Taggart Road.

Nash, moved, seconded by Schmidt and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer be denied. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting

no)

*21. No. 04UR006 - Kingswood Addition

A request by Henry and Marsha Yantzer to consider an application for a **Conditional Use Permit to allow a private residential garage greater than 1500 square feet in area and greater than 30% of the gross floor area of the dwelling unit** on Lot 21 of Kingswood Addition, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1512 North Cedar Crest Court.

In response to a question by Nash, Tucker advised that the sign has been posted on the property and the receipts from the certified mailing have been returned.

Nash moved, seconded by Prairie Chicken and unanimously carried to approve the Conditional Use Permit to allow a private residential garage greater than 1500 square feet in area and greater than 30% of the gross floor area of the dwelling unit with the following stipulations:

1. **Prior to initiation of construction, a Building Permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the garage;**
2. **Prior to issuance of a Building Permit, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse;**
3. **The garage shall be constructed of the same materials and the same color(s) as the existing residence; and,**
4. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher asked that Items 22 thru 24 be considered concurrently.

*22. No. 04PD018 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Major Amendment to a Planned Residential Development to allow townhomes** on a tract of land located within the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N.), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM),

Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00

feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway

- Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
23. No. 04PL023 - Fairway Hills P.R.D.
A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills P.R.D., and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills P.R.D. all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
24. No. 04SV016 - Fairway Hills P.R.D.
A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to

consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located within the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N.), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One

Quarter (SW ¼) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes

33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendations. Fisher pointed out that revised stipulations for Item 22 have been placed on the dais. She further added that the applicant has requested that Variance to the Subdivision Regulations be withdrawn.

Discussion followed concerning setbacks and access.

Nash moved, seconded by Fast Wolf and unanimously carried to approve the Major Amendment to a Planned Residential Development to allow townhomes with the following stipulations:

- 1. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all lots within the Planned Residential Development. A minimum rear yard setback of 20 feet shall be provided for all lots within the Planned Residential Development except for Lot 13A, which shall have a 15 foot rear yard setback;**
- 2. Thirty-one visitor parking stalls shall be provided at all times;**
- 3. All signage shall comply with Section 15.28 of the Rapid City Municipal Code;**
- 4. Prior to construction of the proposed fence, the fence elevations shall be revised to comply with all provisions of Section 15.40 of the Rapid City Municipal Code or a fence height exception shall be obtained;**
- 5. All Uniform Fire Codes shall be continually met;**
- 6. The proposed structures shall conform architecturally to the plans and elevations submitted;**
- 7. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;**
- 8. Prior to construction of the proposed retaining wall, a Building Permit shall be obtained. Building plans per the manufacturers instructions and stamped by a Professional Engineer shall be submitted for the retaining wall;**

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission;
and that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing twenty foot wide permanent utility easement for the high pressure main. In addition, the plat document shall show the vacation and/or relocation of the easement as needed;**
- 2. Prior to Preliminary Plat approval by the City Council, a pavement design with supporting geotechnical information shall be submitted for review and approval.**
- 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to include street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the bulb of the two cul-de-sacs posted with "No Parking" signs;**

5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;
6. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the Fairway Hills Planned Residential Development shall be obtained to allow a townhome development in lieu of the previously approved garden homes development;
7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of additional right-of-way along Sheridan Lake Road from 14 feet to two feet as needed to provide the minimum required right-of-way for a principal arterial street or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Fairway Hills Drive, Heidiway Lane and all corner lots as per the Street Design Criteria Manual or a Special Exception shall be obtained;
9. A Special Exception is hereby granted to allow curb side sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual;
10. A Special Exception to allow individual residential water shut-offs within the front eight foot wide utility and minor drainage easement is hereby denied;
11. Upon submittal of the Final Plat, the plat document shall be revised to show the north-south street either as Carmel Crest or Carmel Point;
12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
13. All Uniform Fire Code shall be continually met;
14. Prior to the start of any construction within the area of the property located within the 100 year federally designated floodplain, a Letter of Map Revision shall be obtained from the Federal Emergency Management Agency. In addition, a Floodplain Development Permit shall be obtained as necessary;
15. Prior to submittal of a Final Plat, the applicant shall enter into an agreement with the City for the reimbursement of the Heidiway Lane sanitary sewer extension project; and,
16. Prior to submittal of a Final Plat, the applicant shall enter into a cost sharing agreement with the City for necessary off-site water extensions to help extend the capacity of the existing Southwest Pressure Zone System if this zone is needed to serve the development;

and that the Planning Commission acknowledged the applicant's request to withdraw the application for Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

- *25. No. 04PD024 - Big Sky Subdivision
A request by Dream Design International, Inc. to consider an application for a

Planned Development Designation - Initial and Final Development Plan on a parcel of land located in a portion of the S1/2 SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: beginning at the center 1/4 corner of said Section 3, Thence N79°15'36"E, 215.44 feet to the true point of beginning; Thence N00°16'55"W, 21.09 feet to the point of curvature; thence northerly along the arc of said curve to the left whose radius 226.00 feet and whose central angle is 47°20'54", an arc length of 186.76 feet to a point of tangency; Thence N47°37'49"W, 24.13 feet to a point of curvature; thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 47°20'54", an arc length of 143.79 feet to a point of tangency; Thence N00°16'55"W, 64.25 feet to a point; Thence N44°47'19"E, 14.12 feet to a point, thence N89°51'34"E, 1067.26 feet to a point; Thence S45°12'41"E, 14.16 feet to point; S00°16'55"E, 393.20 feet to a point; Thence S44°43'05"W, 14.14 feet to a point; Thence S89°43'05"W, 920.52 feet to a point; Thence N45°16'55"W, 14.14 feet to the true point of beginning, said parcel contains 9.688 acres more or less, more generally described as being located south of Homestead Street and north of Patricia Street.

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

Discussion followed concerning revising stipulations 4, 6, 9, 13, 14, 15, 16 to read that prior to issuance of a building permit or initiation of construction rather than prior to Planning Commission approval.

Nash moved, seconded by Henning and unanimously carried to approve the Planned Development Designation - Initial and Final Development Plan with the following stipulations:

1. **A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development;**
2. **A minimum rear yard setback of 25 feet shall be provided for all buildings within the Planned Residential Development, except for detached buildings of accessory use;**
3. **A Special Exception is hereby granted to allow a maximum height of 38 feet for the main buildings in the apartment complex portion of the Planned Residential Development;**
4. **Prior to issuance of a building permit or initiation of construction, a revised site plan shall be submitted showing a minimum of six handicapped stalls with one being van accessible;**
5. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
6. **Prior to issuance of a building permit or initiation of construction, a lighting package shall be submitted showing all lighting provided is arranged so as to provide security and to reflect light toward the parking areas;**
7. **All on site signage must continually comply with all provisions of the Sign Code;**
8. **Prior to construction of the fence, a Fence Height Exception to allow a**

- six foot high fence located within the required front yard setback shall be obtained;
9. Prior to issuance of a building permit or initiation of construction, a revised landscape plan shall be submitted showing a landscape buffer between the apartment complex portion of the development and the townhome lots for review and approval;
 10. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;
 11. The proposed structures shall conform architecturally to the plans and elevations submitted;
 12. All applicable provisions of the Uniform Fire Code shall be continually met. In particular, hydrants shall be in place and operational prior to or in conjunction with building construction, and all structures within the apartment complex portion of the Planned Residential Development, except for the club house and garages, shall be fully fire sprinkled and alarmed;
 13. Prior to issuance of a building permit or initiation of construction, revised construction plans must be submitted addressing the redline comments by Staff;
 14. Prior to issuance of a building permit or initiation of construction, a revised site plan showing all driveway approaches being stop controlled intersections shall be submitted for review and approval;
 15. Prior to issuance of a building permit or initiation of construction, a revised site plan shall be submitted showing the crosswalk across Homestead Street aligning with the sidewalk access to the school located on the north side of Homestead Street;
 16. Prior to issuance of a building permit or initiation of construction, drainage and grading plans for the townhome portion of the Planned Residential Development shall be submitted for review and approval; and,
 17. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

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

*26. No. 04PD028 - Harter Subdivision

A request by Kent Kennedy for Bart and Helen Boos to consider an application for a **Planned Residential Development - Initial Development Plan** on the east 5 feet of Lot 12; Lots 13 and 14; the east 5 feet and the west 20 feet of the south 29.66 feet less the south 0.9 feet all of Subdivision of Lot I of Government Lot 2, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 655 Plum Tree Lane.

Tucker explained that due to a staff error concerning the legal notification, staff is recommending that the Planned Residential Development - Initial Development Plan be continued to the June 10, 2004 Planning Commission to allow a correct legal notification to be sent to affected property owners.

Nash moved, seconded by Schmidt and unanimously carried to continue the public hearing on the Planned Residential Development - Initial Development Plan to the June 10, 2004 Planning Commission meeting to allow a corrected legal notification of the proposed Planned Residential Development to be sent to all affected property owners. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Fisher requested that Items 27 and 28 be considered concurrently.

27. No. 04PL061 - Vista Hills No. 2 Subdivision

A request by Gerald Davis for Mark and Jodi Davis to consider an application for a **Layout Plat** on Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4740 Skyview Drive.

28. No. 04SV027 - Vista Hills No. 2 Subdivision

A request by Gerald Davis for Mark and Jodi Davis to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement improvements as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4740 Skyview Drive.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendations. She further clarified that the on-site wastewater system is functioning.

Discussion followed concerning existing sewer in the Corral Drive right-of-way.

Gerald Davis, agent for Mark and Jodi Davis, stated that the staff has been very helpful, knowledgeable and professional and expressed his thanks for their assistance. He stated that he supports the dedication of 17 additional feet of right-of-way along Corral Drive but does not support requiring the applicant to construct a sewer main along Skyview Drive.

Discussion followed concerning the location of the school, safety of children walking on Skyview Drive, problems with the detention pond, the applicant's request to provide an extension of a service line within the interior of the subject property to service the proposed residence and leaving the existing residence on an on-site wastewater system.

Davis expressed concerns with the costs associated with the installation of a sewer main and sidewalks on both sides of Corral Drive.

Lengthy discussion followed concerning Variances to the Subdivision Regulations, on-site wastewater systems and the number of residences to the south of the subject property that would be served eventually.

Hoffmann encouraged the applicant to attend the City Council meeting on June 7, 2004 to express his opposition to the stipulations of approval.

Schmidt moved, seconded by Fast Wolf and unanimously carried to recommend that the Layout Plat with the following stipulations:

- 1. Upon submittal of a Preliminary Plat, road construction plans for Skyview Drive shall be submitted for review and approval. In particular, the construction plans shall show Skyview Drive located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat, road construction plans for Corral Drive shall be submitted for review and approval. In particular, the road construction plans shall show Corral Drive located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, sidewalk on both sides of the street and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along Corral Drive;**
- 3. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed;**
- 4. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat, a site plan showing all structural improvements, including lot lines, dimensions, approach location, adjacent right-of-way widths and setbacks shall be submitted for review and approval;**
- 6. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**

that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Skyview Drive be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement improvements along Skyview Drive and to waive the requirement to install street light conduit and sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**
- 2. Upon submittal of a Preliminary Plat, construction plans shall be**

submitted showing the construction of a sewer main and a sidewalk along one side of Skyview Drive; and,

3. **Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along Corral Drive as it abuts the subject property. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

29. No. 04SR018 - Section 34, T1N, R8E

A request by Basin Electric Power Cooperative to consider an application for an **11-6-19 SDCL Review to allow expansion of a utility substation** in the NE1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Old Folsom Road and Lamb Road.

Fisher stated that the applicant has requested that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the June 10, 2004 Planning Commission to allow additional time to finalize an agreement for the potential future relocation of a line that was not located as previously approved.

Nash moved, seconded by Henning and unanimously carried to recommend that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the June 10, 2004 Planning Commission meeting to allow the applicant to complete the agreement. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

30. No. 04SV025 - Minnesota Park Subdivision

A request by Sperlich Consulting, Inc. for Walgar Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1, Minnesota Park Subdivision, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale No. 10, and a portion of the SE1/4 of the NW1/4 of the SE1/4, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Wisconsin Avenue and East Minnesota Street.

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

Doug Sperlich, Sperlich Consulting, Inc. for Walgar Development, expressed concerns with requiring the applicant to provide a ten foot wide public utility and pedestrian access easement along the north lot line of the subject property. He expressed concerns with the applicant having to set his parking lot back ten feet to allow for a pedestrian access easement.

Discussion followed concerning the agreement that the City and the applicant entered into on July 27, 1999 in which the applicant dedicated and platted an 80 foot public right-of-way for the extension of Minnesota Street to Fifth Street. Additional

discussion followed concerning an amendment to the Major Street Plan in 2000 which now requires that ten additional feet of right-of-way be obtained from each adjacent property in order to secure the minimum 100 foot right-of-way width for a minor arterial street.

Sperlich stated that in his opinion the only thing that does not fit into the right-of-way is the bikepath. He further added that according to his calculations four lanes of traffic and one turning lane fits into an 80 foot right-way for a collector street. He asked the Planning Commission to approve the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved and to eliminate the stipulation that a ten foot wide public utility and pedestrian access easement shall be provided along the north lot line of the subject property.

Dave Johnson reviewed the change between the 80 foot of right-of-way width for a collector street and requiring 100 foot right-of-way width for a minor arterial street.

Discussion followed concerning the bikepath located on the north side of Minnesota Street, the Street Design Criteria Manual and requirements for a minor arterial street.

In response to a question by Schmidt, Elkins explained that a waiver of right to protest is for the infrastructure improvements not the dedication of right-of-way.

Nash moved, seconded by Fast Wolf and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

31. No. 04SV026 - Merchen's First Addition Subdivision

A request by Centerline, Inc. for Horizon Properties, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 701 East St. Patrick Street.

Fisher presented the request and reviewed the slides of the subject property and staff's revised recommendation. She pointed out that a revised staff report has been placed on the dais for Planning Commission review.

Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

32. Discussion Items

A. Canyon Lake Neighborhood Issues

Nash moved, seconded by Prairie Chicken and unanimously carried to continue the discussion on the Canyon Lake Neighborhood Issues to the June 10, 2004 Planning Commission meeting. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

B. Update on Administrative Approval of Final Plats

Elkins advised that the update on Administrative Approval of Final Plats is a report and does not require formal action.

Nash moved, seconded by Prairie Chicken and unanimously carried to continue the discussion on the Update on Administrative Approval of Final Plats to the June 10, 2004 Planning Commission meeting.

33. Staff Items

A. Growth Management Department- New Planner

Elkins introduced and welcomed Renee Catron-Blair, Planner II, who began work on Monday, May 24, 2004. She stated that Catron-Blair will be working on plats initially and comes to the Growth Management Department from the development community.

B. Congratulations on Graduation and New Job

Elkins congratulated Henning on her graduation from the South Dakota School of Mines and Technology and wished her well in her new position in Brookings, South Dakota.

34. Planning Commission Items

None

35. Committee Reports

None

There being no further business Prairie Chicken moved, seconded by Nash and unanimously carried to adjourn the meeting at 8:55 a.m. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)