

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 5, 2004

MEMBERS PRESENT: Gary Brown, Debra Hadcock, Martha Rodriguez, Ida Fast Wolf, Scott Nash, Mel Prairie Chicken and Ethan Schmidt; Karen Olson, Council Liaison, was also present

STAFF PRESENT: Karen Bulman, Renee Catron Blair, Marcia Elkins, Patsy Horton, Curt Huus, Dave Johnson, Bill Knight, Jason Green, Todd Tucker and Risë Ficken

Chairperson 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.**

**Staff requested that Item 2 be removed from the Non-Hearing Consent Agenda and considered after Item 18 on the regular agenda items.**

**Schmidt requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Rodriguez moved, Schmidt seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 7 in accordance with the staff recommendations with the exception of Items 2 and 6. (7 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

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

1. Approval of the July 22, 2004 Planning Commission Meeting Minutes.
3. No. 04PL098 - ELGSS Subdivision  
A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a Layout Plat on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract D of Medicine Ridge No. 2 and all of Lot 3 of Tower Ridge Subdivision and all of Tract F and Tract G located in the NE1/4 of SW1/4 and SE1/4 of NW1/4 of Section 23, and a portion of the Point Vista Court right-of-way, all located in the W1/2 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5440 Plains Vista Court.

**Planning Commission recommended that the Layout Plat be continued to the August 26, 2004 Planning Commission meeting to be heard in conjunction with an associated Rezoning Request, a Comprehensive Plan Amendment Request, an Initial Planned Residential Development Request and a Variance to the Subdivision Regulations.**

No. 04PL099 - Hillsview Subdivision #2

A request by Fisk Land Surveying and Consulting Engineers for Dan Haggerty to consider an application for a Preliminary Plat on Lots 1A through 1F of Lot 1 of Hillsview Subdivision #2, located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Hillsview Subdivision #2, located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Red Dale Drive and West Saint Patrick Street.

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

1. **Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted showing existing approaches located along Red Dale Drive and West St. Patrick Street. In addition, the plat document shall be revised to show non-access easements along Red Dale Drive and West St. Patrick Street and to show shared approaches where necessary as per the Street Design Criteria Manual;**
2. **Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall comply with the Red Dale Drainage Basin Design Plan. In addition, the plat document shall be revised to show drainage easements as necessary;**
4. **Prior to Preliminary Plat approval by the City Council, all Uniform Fire Codes shall be continually met;**
5. **Prior to Preliminary Plat approval by the City Council, a Master Utility Plan shall be submitted for review and approval. In particular, the Master Utility Plan shall identify the extension of water and sewer as well as private utilities (i.e., electricity, gas, telephone);**
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 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.**

5. 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 located 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.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the August 26, 2004**

**Planning Commission meeting to allow the applicant to submit additional noise data.**

7. No. 04PL093 - Commerce Park Subdivision

A request by Sperlich Consulting, Inc. for Robert Scull to consider an application for a Preliminary Plat on Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Rand Road and Commerce Road.

**Planning Commission recommended that the Preliminary Plat be continued to the August 26, 2004 Planning Commission meeting to allow the applicant to submit additional information.**

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

6. No. 04SR037 - Spring Ranchettes #2 Subdivision

A request by Paul Wozniak for Western Wireless Corp. to consider an application for an 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole on Lot 1 of Hidden Valley Ranchettes #2 Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14885 Morningview Drive.

Schmidt noted that details for construction of the monopole have not been provided. Elkins clarified that the applicant is proposing to co-locate additional antennae on an existing monopole.

**Rodriguez moved, Brown seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole be approved with the following stipulation:**

- 1. All stipulations of approval for the Conditional Use Permit approved by the Pennington County Planning Commission shall be continually met.**

**(7 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

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

**Nash announced that the Public Hearings on Items 8 through 17 were hereby opened.**

**Staff requested that Item 13 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 14 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration.**

**Rodriguez moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 8 through 17 in accordance with the staff recommendations with the exception of Items 13, 14, and 16. (7 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

**The Public Hearings for Items 8 through 17 were closed.**

8. No. 04CA030 - Waterslide Addition

A request by Dream Design International to consider an application for an Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan from the SE1/4 NW1/4 and the SW1/4 of Section 25, T1N, R7E to a right-of-way 76.00 feet in width with the centerline described as follows: commencing at the found corner stamped R.L.S. No. 4208 of the center ¼ of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence N55°50'19"W along a non-visual line, 963.91 feet to the true point of beginning; thence S20°01'45"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet, included angle of 21°19'54", and a curve length of 195.83 feet; thence S01°18'09"W 1450.65 feet; said parcel containing 3.24 acres more or less all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

**Planning Commission recommended that the Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan be continued to the August 26, 2004 Planning Commission meeting to allow the applicant an opportunity to work with the adjacent property owner to the south to develop a continuous north/south collector route.**

9. No. 04CA031 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for an Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development on a parcel of land located in the West One-Half (W ½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE ¼ SW ¼) and Southeast One Quarter of the Northwest One Quarter (SE ¼ NW ¼) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N,

R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap



marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential**

**with a Planned Residential Development be continued to the August 26, 2004 Planning Commission meeting.**

10. No. 04PD041 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a Planned Residential Development - Initial Development Plan on a parcel of land located in the West One-Half ( $W \frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ( $NE \frac{1}{4} SW \frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter ( $SE \frac{1}{4} NW \frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of

said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more



or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

**Planning Commission continued the Planned Residential Development - Initial Development Plan to the August 26, 2004 Planning Commission meeting.**

***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.***

11. No. 04RZ038 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a Rezoning from General Agriculture District to Medium Density Residential District on a parcel of land located in the West One-Half ( $W \frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ( $NE \frac{1}{4} SW \frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter ( $SE \frac{1}{4} NW \frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and

filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with

survey cap marked "LS 1019";thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565";thence, South 82 degrees 45 minutes 38 seconds East (more of less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

**Planning Commission recommended that the Rezoning from General Agriculture District to Medium Density Residential District be continued to the August 26, 2004 Planning Commission meeting.**

12. No. 04SV044 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a Variance to the Subdivision

Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the West One-Half ( $W \frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ( $NE \frac{1}{4} SW \frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter ( $SE \frac{1}{4} NW \frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the

westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower



Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 26, 2004 Planning Commission meeting.**

15. No. 04PD039 - Nowlin and Wood Addition

A request by Pat Hall for Hogan Real Estate, LLC to consider an application for a Planned Commercial Development - Initial Development Plan on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2, of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North LaCrosse Street.

**Planning Commission approved the Planned Commercial Development – Initial Development Plan 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 building;**
2. **Upon submittal of a Final Planned Commercial Development Plan, structural elevations and a list of the building materials for the proposed structure shall be submitted for review and approval;**
3. **Upon submittal of a Final Planned Commercial Development Plan, the site plan shall be revised to show the raised canopy located outside the existing 30 foot wide storm easement located along the west property line;**
4. **Upon submittal of a Final Commercial Development Plan, a complete sign package shall be submitted for all on site signage;**
5. **Upon submittal of a Final Commercial Development Plan, a landscape plan shall be submitted showing compliance with Section 17.50.300 of the Rapid City Municipal Code;**
6. **The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**

7. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
8. Upon submittal of a Final Commercial Development Plan, the site plan shall be revised to show the proposed five foot high screening fence located outside the required 25 foot front yard setbacks or the applicant must obtain a Fence Height Exception to allow a five foot high fence within the required front yard setback;
9. Upon submittal of a Final Commercial Development Plan, elevation drawings of the proposed five foot high ornamental screening fence shall be submitted for review and approval;
10. All applicable provisions of the Uniform Fire Code shall be continually met;
11. A Special Exception is hereby granted to allow a driveway access which does not align with an existing access on the east side of North LaCrosse Street;
12. Upon submittal of a Final Commercial Development Plan, a final drainage plan and calculations shall be submitted for review and approval;
13. Upon submittal of a Final Commercial Development Plan, complete information, including frequency and decibels generated by the air handling equipment, and location and proposed screening of the dumpster and all air handling equipment shall be submitted to insure that the adjacent residential properties are not adversely affected; and,
14. The Planned Initial Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

17. No. 04UR008 - Jackson View Addition

A request by Chuck Rausch to consider an application for a Conditional Use Permit to allow monument sales and engraving in a General Commercial Zoning District on Lot 3B and all of Lot 4 and N1/2 of Lot 5 in Railroad Block Three of Jackson View Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1116 Jackson Boulevard.

**Planning Commission approved the Conditional Use Permit to allow monument sales and engraving in a General Commercial Zoning District with the following stipulations:**

1. A building permit shall be obtained prior to construction;
2. A Certificate of Occupancy shall be obtained prior to occupying the building;

3. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
4. A minimum of 10 parking spaces, including one van handicap accessible space, shall be striped and curb stops located at all parking spaces;
5. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
6. Any engraving work must be done within an enclosed area;
7. No outdoor displays, inventory or sales are allowed;
8. No outdoor cranes or equipment used to load or unload monuments are allowed;
9. Any noise, dust or vibrations shall be completely confined within an enclosed building; and,
10. All requirements of the Uniform Fire Code shall be met.

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

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

13. No. 04CA032 - Comprehensive Plan Amendment

A request by the City of Rapid City to consider an application for an Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Study Future Land Use Plan on property generally described as being located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens.

Horton presented copies of a revised map noting that the original document identified an area as Medium Density Residential when it should have been identified as a Planned Residential Development with four dwelling units per acre. Horton described the Medium Density Residential area noting that the revised map corrected the omission.

**Brown moved and Rodriguez seconded to recommend approval of the Amendment to the Comprehensive Plan by adopting the U.S. Highway 16 Corridor Study Future Land Use Plan.**

Frank Bettmann, Attorney, commented that Agenda Items 2, 13, and 18-22 are related and he stated that he felt that these items should be considered concurrently. Bettmann explained that his clients are particularly concerned with an area on the Future Land Use Plan lying east of U.S. Highway 16 and south of Sammis Trail. Bettmann stated that his client's concerns are related to property specifically addressed in Agenda Items 18-22. Bettmann identified the area on the U.S. Highway 16 Corridor Study Future Land Use Plan noting that the 1976 Comprehensive Plan identifies the area as a Park Forest designation. Bettmann

discussed ownership of the property lying adjacent to the subject property addressed in Items 2, and 18-22. Bettmann requested that the Planning Commission withhold their vote on Item 13 until comments are considered from the public on Items 2, and 18-22. Bettmann expressed concern that the general description for Items 18-22 contain an error that identifies the property as being located west of South Highway 16 and south of Sammis Trail. Bettmann emphasized that the property is located east of South Highway 16 and south of Sammis Trail and he stated that he felt some area property owners may not have attended the hearing because of the error in the general description.

Elkins advised that the City Attorney's office has indicated that because the legal description for the property is correct, the error in the general description is not a fatal flaw in terms of how the application was advertised. Schmidt and Bettmann stated that they disagree with the City Attorney's opinion regarding the general description for the applications.

Casey Peterson, Dreamscape Road resident, advised that he served on the Rapid City Planning Commission in the 1980's. Peterson noted that U.S. Highway 16 provides a scenic view and he stated that he believes that development along U.S. Highway 16 must occur in a responsible manner. Peterson requested that adoption of the proposed Comprehensive Plan Amendment be delayed as homeowners and land owners in the area have not had an opportunity to comment on the proposed plan. Peterson stated that he attended the public meetings for the U.S. Highway 16 Corridor Study noting that those meetings focused primarily on traffic issues. Peterson expressed concern that the current Park Forest land use designation has been changed to a Low Density Residential land use designation. Peterson indicated that it appears that developer input was the only consideration given to determining the proposed Low Density Residential land use designation and he stated that the proposed long range plan ignores current zoning and private party restrictive covenants. Peterson stated that homeowner input should be given consideration. Peterson displayed a slide presentation outlining his concerns in detail.

In response to a question from Nash, Elkins stated that this is the time for the public hearing on the proposed Comprehensive Plan Amendment and is the appropriate forum for public discussion on this issue. In response to a question, Elkins advised that staff has been working on the proposed Comprehensive Plan Amendment for approximately three years. Elkins indicated that Planning Commission may take action on the proposed Comprehensive Plan Amendment at this time, hold additional meetings to discuss the proposal, or continue the proposed Comprehensive Plan Amendment to a specific date.

Tom Krafka, area property owner, advised that he has owned property in this area since 1978. Krafka requested that this item be continued to allow time for further study. Krafka explained that the current Park Forest future land use designation and the Planned Unit Development designation through Pennington County have been in place for a long period of time. Krafka expressed concern that there has not been adequate opportunity for public input on the proposed Comprehensive Plan Amendment and he expressed concern that the proposal

does not give sufficient consideration to property owners near the proposed Hyland Park development. Krafka expressed his opinion that the topography on property lying south of the proposed Hyland Park Development will not support Low Density Residential densities. Krafka objected to the proposed Major Street Plan Amendment stating that there is undeveloped land that would be more appropriate for the extension of the Sammis Trail principal arterial street than the location proposed on the plan.

In response to a question by Rodriguez, Elkins explained that the existing Future Land Use Plan for this area was adopted in 1974. In response to a question from Rodriguez, Elkins estimated that at the time the 1974 Comprehensive Plan was adopted the Rapid City limits extended south to the area around Fairmont Boulevard. Rodriguez stated that she understands the area property owner's concerns regarding the development of their neighborhood. Rodriguez added that consideration must also be given to property owners who choose to develop their property. Rodriguez asked if there were property owners in the audience from the Hart Ranch area that could speak to the proposed Comprehensive Plan Amendment.

Gene Addink, Hart Ranch Development, advised that their company had purchased property in the Hart Ranch area in 1984 for the purpose of development. Addink noted that when they purchased the property twenty years ago Countryside was just starting to develop. Addink indicated that as Rapid City grows the issue of development moving south will become more prevalent. Addink indicated that Hart Ranch Development owns all of the property on the southern border of the proposed Hyland Park development and stated that as an area landowner he supports the proposed Comprehensive Plan Amendment.

Tom Krafka expressed concern that the proposed extension of Sammis Trail to the east transects two ten acre homesteads. Krafka stated that he believes there is a better option for extending Sammis Trail to the south around the two ten acre parcels. Horton discussed the limitations of the topographical information that was available at the time the Major Street Plan for this area was originally developed. Horton added that more accurate topographical information is now available and the new information was used in the development of the Major Street Plan as proposed.

Schmidt disclosed that he had received two telephone calls concerning this issue noting that one was from Casey Peterson and one was from Kevin Klapprodt. Schmidt requested clarification from Krafka regarding whether his concerns are primarily related to topographic issues associated with road development or are primarily related to land use. Krafka explained that he is concerned not only with the proposed principal arterial street near the Hyland Park development, but that he is also concerned that the property lying south of the proposed 120 acre Hyland Park development will not support Low Density Residential densities due to the steep terrain. Krafka reiterated his request that the Comprehensive Plan Amendment be continued to allow time for additional studies to be made to determine the effects of development, including noise, increased traffic, and the specific manner in which development is going to occur in the area.



Craig Mestad advised that he owns one of the ten acre parcels that is currently identified as the location for the extension of Sammis Trail. Mestad commented that he has been involved in the building industry in Rapid City since 1984. Mestad expressed concern that the proposed Sammis Trail extends through the center of his property. Mestad stated that he had recently built a home on the property and intends to construct a barn on the property in the future. Mestad added that the proposed Sammis Trail would also extend through the center of his neighbor's ten acre property. Mestad suggested that the principal arterial street be directed through the Hart Ranch property as it is currently undeveloped. Mestad expressed concern that there were no buffers shown on the plans between the Hyland Park residential development and his property. Mestad stated that he feels the Hyland Park proposal is irresponsible development. Mestad described the property located south of the proposed Hyland Park development as extremely steep. Mestad expressed concern that the back yards of some of the homes in the Hyland Park development would be facing the street and would not be visually appealing.

Brown indicated that he is sensitive to the public involvement in the process and stated he would like to hear further comment on the proposals.

**Brown withdrew the motion on the floor.**

Discussion followed concerning the use of buffers for residential properties, existing road alignments on the Major Street Plan, and the frequency of amendments to the Major Street Plan.

Elkins stated that the proposed Comprehensive Plan identifies the area under discussion as Low Density Residential land use with a Planned Residential Development. Elkins clarified that the specific details of any proposed developments under the proposed Comprehensive Plan would be discussed during consideration of the Initial and Final Planned Residential Development Plans, including specific issues related to buffers, traffic, and development layout.

**Rodriguez moved and Schmidt seconded to recommend approval of the Amendment to the Comprehensive Plan by adopting the U.S. Highway 16 Corridor Study Future Land Use Plan.**

Fern Johnson stated that she owns a section of property east of the Hyland Park development currently under discussion. Johnson advised that public right-of-way providing access to her property had been vacated leaving only private access to her property from the west. Johnson expressed opposition to the suggestion to relocate Sammis Trail further to the south as it would prevent the future development of her property. Johnson expressed support for the proposed extension of Sammis Trail as shown on the proposed Comprehensive Plan Amendment.

**Schmidt called the question.**

Members of the audience advised that they wished to provide additional public comment on this issue.

**Ethan withdrew the call for the question.**

Don Shultz, area property owner, expressed concerns regarding the U.S. Highway 16 Corridor Study that was considered at the City Council meeting on August 2, 2004. Shultz described concerns with the proposed overpass at the intersection of Catron Boulevard and U.S. Highway 16 noting that frontage road access to his property would be eliminated under the proposal.

Elkins clarified that there are currently two related actions moving through the hearing process at this time associated with Mr. Shultz's property. Elkins explained that the U.S. Highway 16 Corridor Study continued at City Council addresses specific road improvements along U.S Highway 16. Elkins added that the document under discussion at this time does not address the overpass as referred to by Shultz. Shultz stated that his concerns are specifically related to the overpass at U.S. Highway 16 and Catron Boulevard.

Hani Shafai, Dream Design International, advised that he represents owners of property located in the proposed Comprehensive Plan Amendment area. Shafai noted that the Rapid City community has grown significantly since 1974 noting that development and planning must change and evolve to accommodate that growth. Shafai discussed the effects of growth on the Rapid City area, annexation of property into Rapid City limits, groundwater concerns, road alignments, terrain restraints, buffers, and existing development standards.

Discussion followed concerning the frequency of amendments to the Major Street Plan.

Frank Bettman stated that the Park Forest land use designation is appropriate for the Sammis Trail area and expressed concern with the proposed change from Park Forest to Low Density Residential. Bettmann requested additional time for public input on the proposed Comprehensive Plan Amendment.

Elkins stated that staff has no objection to additional hearings concerning the proposed Comprehensive Plan Amendment.

Discussion followed concerning the process for amendments to the Future Land Use Plan.

Hadcock stated that she felt an additional public hearing on this item would be appropriate.

**Hadcock made a substitute motion to continue the Amendment to the Comprehensive Plan by adopting the U.S. Highway 16 Corridor Study Future Land Use Plan to a special Planning Commission meeting on August 12, 2004 at 5:00 p.m. at the City/School Administration Center. Schmidt seconded the motion.**

In response to a question, Elkins advised that additional public notification could be made if directed by the Planning Commission.

Discussion followed concerning notification by postcard of a special meeting of the Planning Commission to property owners in the Comprehensive Plan Amendment area, the correction of the general description in the notice letters for the Hyland Park development, and additional publication in the Rapid City Journal.

Shafai stated that he would support continuation of the item to accommodate additional dialogue with land owners adjacent to the proposed Hyland Park development.

Bill Kessloff, citizen, stated his support of the substitute motion.

Pastor Wayne Williams, area property owner, spoke in support of the continuation of the proposed Comprehensive Plan Amendment.

Bettman spoke in support of the motion.

Discussion followed concerning alternative dates for scheduling the Special Planning Commission meeting.

**The motion carried unanimously to continue the Amendment to the Comprehensive Plan by adopting the U.S. Highway 16 Corridor Study Future Land Use Plan to a Planning Commission meeting at 5:00 p.m. on Thursday, August 12, 2004.**

14. No. 04PD038 - Original Town of Rapid City

A request by Cornerstone Rescue Mission to consider an application for a Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District on the E1/2 of Lot 27 and all of Lots 28-29, Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 404 Columbus Street.

In response to a question from Prairie Chicken, Elkins advised that this request has been continued at the property owner's request as concerns have been expressed by landowners in the area. Elkins added that meetings are scheduled with the parties to discuss these concerns.

**Schmidt moved and Prairie Chicken seconded to continue the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District to the August 26, 2004 Planning Commission meeting at the property owner's request.**

Discussion followed concerning objections received from area property owners.

**The motion unanimously carried to continue the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District to the August 26, 2004 Planning Commission meeting at the property owner's request. (7 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, 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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.***

Prairie Chicken left the meeting at this time.

16. No. 04SV043 - Palmer Subdivision

A request by Renner & Associates for Ray Palmer to consider an application for a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 7 of Block 1 and Tract A of Palmer Subdivision located in the SE1/4 of the NW1/4 and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 of the NW1/4, the unplatted portion of the NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located along Palmer Road north of Nemo Road.

Catron-Blair advised that the Plat document associated with the requested Subdivision Variance has been revised to eliminate the access easement on Tract A. Catron-Blair explained that because the access easement has been eliminated the Subdivision Variance Request is no longer needed and she recommended that the application be denied.

In response to a question from Ray Palmer, Catron Blair clarified that the access easement will not need to be constructed as a result of revisions to the Plat document.

**Brown moved, Schmidt seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied.**

**(6 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash, and Schmidt voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Elkins requested that Items 18, 2, 19, 20, 21 and 22 be considered concurrently.

18. No. 04AN009 - Hyland Park Subdivision

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

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

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

19. No. 04CA029 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for an Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan located in 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.

20. 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.

21. 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.

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 the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Elkins requested clarification from the Planning Commission concerning the disposition of Items 2, and 18-22.

Discussion followed concerning the Special Planning Commission meeting



scheduled for August 12, 2004 and the regularly scheduled Planning Commission meeting on August 26, 2004.

**Schmidt moved, Rodriguez seconded and unanimously carried to recommend that the Petition for Annexation (04AN009) be continued to the August 26, 2004 Planning Commission meeting;**

**to recommend that the Petition for Annexation (04AN010) be continued to the August 26, 2004 Planning Commission meeting;**

**to recommend that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan (04CA029) be continued to the August 26, 2004 Planning Commission meeting;**

**to recommend that the Rezoning from No Use District to Low Density Residential District (04RZ037) be continued to the August 26, 2004 Planning Commission meeting;**

**to recommend that the Layout Plat (04PL097) be continued to the August 26, 2004 Planning Commission meeting; and,**

**to recommend 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, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way and the Variance to the Subdivision Regulations to allow lots twice as long as wide (04SV042) be continued to the August 26, 2004 Planning Commission meeting. (6 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash, and Schmidt voting yes and none voting no)**

Bulman requested that Items 23 and 24 be considered concurrently.

23. No. 04PD036 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a Planned Residential Development - Initial and Final Development Plan on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of West Street and South Street.

24. No. 04PL092 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a Preliminary Plat on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2,

T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of West Street and South Street.

Bulman briefly reviewed the history of the applications for the property noting that a Planned Development was previously approved for the property, but approval had expired because the project was not initiated within a two year period. Bulman presented the slides and reviewed the site plan, revised drawings and elevations. Bulman noted that staff recommends approval with stipulations.

Schmidt referenced concerns expressed by the public regarding increased traffic flow and the safety of children in the area. Bulman explained that staff reviewed the projected increase in traffic for the proposed development and determined that a traffic study would not be warranted. Bulman advised that the new development would generate approximately 17 trips per peak hour noting that a projected 300 trips per peak hour typically warrants a traffic study.

Richard Stahl, applicant, advised that the subject property is zoned High Density Residential. Stahl stated that he has met the requirements that have been requested and is prepared to move forward with the project. Stahl noted that he no longer has any financial interest in The Victorian.

In response to a question from Schmidt, Stahl concurred that the existing South Street providing access to the subject is a steep elevation. Stahl stated that he would be living in the proposed development and would plow snow in the development as needed.

In response to a question, Catron Blair stated that the grades on Hill Street were reviewed as part of the associated Preliminary Plat request noting that the applicant has agreed to post "No Parking" signs along Hill Street.

Jean Kessloff, area resident, stated that she has objections and questions concerning the proposed development. Kessloff expressed concerns regarding safety and aesthetic issues associated with development of the subject property. Kessloff noted that this is an opportunity to be responsible with development decisions. Kessloff added that once the property is approved for development there is no turning back.

In response to a question from Schmidt, Catron Blair indicated that the requirement that the applicant sign a restrictive covenant has been met.

Michael Brooks, neighboring property owner, concurred with Kessloff and stated his objections to the development of the property. Brooks described his concerns with the grade of Hill Street at the intersection of his driveway. Brooks expressed concern that additional traffic on Hill Street to this development would increase the potential for accidents during winter weather events.

In response to a question from Brown, Catron Blair stated that Hill Street is an existing public right of way.

Bill Kessloff, President of the West Boulevard Neighborhood Association, explained that a portion of the subject property is adjacent to the West Boulevard Historic District. Kessloff expressed concern with the steep grade of Hill Street leading to the property. Kessloff suggested that an additional stipulation be added to the conditions of approval requiring that Stahl de-ice and maintain Hill Street for snow removal.

In response to a question from Schmidt, Kessloff stated that he is personally opposed to the project and is speaking on behalf of the West Boulevard Neighborhood Association. Kessloff discussed safety concerns associated with the grade of Hill Street.

In response to a question, Catron Blair confirmed that Hill Street is an existing public street that exceeds the maximum standard street design grades.

**Rodriguez moved and Hadcock seconded to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

- 1. All stipulations of the Preliminary Plat (04PL092) shall be met;**
- 2. All requirements of the Uniform Fire Code shall be continually met;**
- 3. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;**
- 4. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met except the following: parking may be designed to allow vehicles to back into Stahl Court;**
- 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. The proposed structure shall conform architecturally to the plans and revised elevations submitted as part of this Planned Residential Development, including the signed letter of agreement with the West Boulevard Homeowners Association and Fred Thurston;**
- 7. The Final Residential Development Plan approval 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. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit or a building permit; and,**
- 9. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District; however, a reduced setback shall be allowed as follows: an eleven foot (11') rear yard setback and a six foot (6') South Street front yard setback shall be allowed for Lot 2; a twenty foot (20') rear yard setback and a six foot (6') South Street front yard setback shall be allowed for Lot 3; and,**

**to recommend 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 provide access to Tract E;**
2. **Prior to submittal of the Final Plat application, a revised street name for "Wendi Lane" shall be submitted for review and approval and the plat document shall be revised to show the approved street name; and,**
3. **Prior to Preliminary Plat approval by the City Council, the Restrictive Covenant document shall be signed by the applicant.**

Schmidt stated that he feels these items should be continued to allow more input from the West Boulevard Neighborhood Association.

**The vote on the motion as identified above resulted in a tie. (3 to 3 with Rodriguez, Fast Wolf and Hadcock voting yes and with Brown, Schmidt and Nash voting no)**

***The Rapid City Planning Commission's action on 04PD036 will be forwarded to the Rapid City Council as a result of the tie vote. In addition, any party may appeal the 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.***

25. No. 04PL100 - MJK Subdivision

A request by Dream Design International to consider an application for a Preliminary Plat on Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Elm Avenue and Enchanted Pines Drive.

Schmidt expressed concern that there are a substantial number of stipulations for approval for this item.

**Nash advised that he will abstain from voting on this item as he owns property adjacent to the subject property.**

**Rodriguez moved and Brown seconded to recommend 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 redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
2. **Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for**

- review and approval. In addition, a request for water and sewer system oversizing costs shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a Master Plan for the balance of the parcel shall be submitted for review and approval. In particular, the Master Plan shall include road alignment(s) and profile(s), site grading, sewer invert elevation connections, water system conceptual layout, storm sewer and channel configuration with vertical and horizontal locations;
  5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show all of Elm Avenue with a minimum 100 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained. In addition, construction plans showing a temporary turnaround at the end of Elm Avenue shall be submitted for review and approval;
  6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show all of Enchanted Pines Drive with a minimum 68 foot wide right-of-way. In addition, construction plans shall be submitted showing Enchanted Pines Drive constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
  7. All Uniform Fire Codes shall be continually met;
  8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of the northern 260 feet of Elm Avenue and the west half of Elm Avenue located on adjacent properties or the rights-of-way shall be dedicated as a part of separate plat actions or as a "H Lots" ;
  9. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Tract A" as "Lot A" and Elm Avenue Church shall be removed from the plat title;
  10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Elm Avenue or a Variance to the Subdivision Regulations shall be obtained;
  11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Enchanted Pines Drive a distance of 85 feet as it abuts the southwest corner of Tract A along Enchanted Pines Drive;
  12. Prior to submittal of a Final Plat application, miscellaneous drainage easements shall be recorded at the Register of Deed's Office to accommodate any off-site drainage run-off and/or drainage improvements. In addition, South Truck Route/Landfill Drainage Basin fees shall be paid at a rate of \$2,085.00 per acre; and,
  13. 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. (5 to 0 to 1 with Brown, Hadcock, Rodriguez, Fast Wolf, and Schmidt voting yes, none voting no and with Nash abstaining)



Elkins asked if any member of the Planning Commission would be interested in serving on the Development Review Board. Hadcock volunteered to serve on the Development Review Board if appointed by the Mayor.

Discussion followed concerning appointments to the Planning Commission.

**Rodriguez moved, Schmidt seconded and unanimously carried to continue the remainder of the agenda items to the August 26, 2004 Planning Commission meeting. (6 to 0 with Brown, Hadcock, Rodriguez, Fast Wolf, Nash and Schmidt voting yes and with none voting no)**

**There being no further business, Rodriguez moved, Hadcock seconded and unanimously carried to adjourn the meeting at 9:45 a.m.**