

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 24, 2004

MEMBERS PRESENT: Scott Nash, Gary Brown, Mike LeMay, Martha Rodriguez, Mel Prairie Chicken and Ethan Schmidt; Karen Olson, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Renee Catron Blair, Tim Behlings, Dave Johnson, Joel Landeen, Todd Tucker, Linda Foster, Nadine Bauer, and Michelle Prichard.

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 Items 6 and 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

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

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the November 4, 2004, Planning Commission Meeting Minutes.
2. No. 04AN009 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the January 6, 2005 Planning Commission meeting.

3. No. 04PL097 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Layout Plat be continued to the January 6, 2005 Planning Commission meeting.

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

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

Planning Commission recommended that the Petition for Annexation will be continued to the January 6, 2005 Planning Commission meeting.

5. No. 04PL135 - Copper Oaks Subdivision

A request by Sperlich Consulting, Inc. for Paul Reinke to consider an application for a **Layout Plat** on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks all located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wild Turkey Way and Quartz Canyon Lane.

Planning Commission recommended that the Layout Plat will be continued to the December 9, 2004 Planning Commission meeting.

7. No. 04PL155 - Shoenhard Subdivision and Mann Subdivision

A request by Renner & Associates for BB&R Properties to consider an application for a **Layout Plat** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the NE1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision located in the NE1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

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

1. **Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
2. **Upon submittal of the Preliminary Plat application, a drainage plan per the Rapid City Drainage Criteria Manual shall be submitted for review and approval. The plan shall demonstrate that post-development storm water discharges shall not exceed pre-development flow rates or on-site detention shall be provided for review and approval. In addition, the plat document shall be revised to show any drainage easements necessary;**
3. **Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, topographical**

plans showing existing and proposed structures, utilities and driveway approach locations for the property and adjacent properties shall be submitted for review and approval;

5. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to submittal of a Final Plat, the applicant shall submit a revised plat document to show a waterline easement on the eastern portion of Lot 6R for the existing waterline; 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.

8 No. 04PL156 - Twilight Hills Subdivision

A request by Jim Hansen for Premier Homes, Inc. to consider an application for a **Layout Plat** on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Meadow Lane Court and Meadow Lane.

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

1. Upon submittal of a Preliminary Plat, road construction plans for Meadow Lane shall be submitted for review and approval. In particular, the construction plans shall show Meadow Lane located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of a Preliminary Plat, road construction plans for Meadow Lane Court shall be submitted for review and approval. In particular, the road construction plans shall show Meadow Lane Court located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of a Preliminary Plat, a drainage plan and sediment and erosion control plan for all improved areas shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as necessary;

4. Upon submittal of a Preliminary Plat application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of water service lines and locations along with size of sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, a request for a Variance to the Subdivision Regulations to waive the requirement to install sidewalk Meadow Lane and to waive the requirement to install sidewalk and water along Meadow Lane Court;
6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. Upon submittal of a Final Plat application, the plat document shall be revised to show an access restriction easement 50 feet along the corner of Meadow Lane and Meadow Lane Court to be in compliance with the Street Design Criteria Manual;
8. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional one foot of right-of-way dedicated along Meadow Lane;
9. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
10. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

9. No. 04PL157 - Section 7, T1N, R9E

A request by Jeffrey L. Glanzer to consider an application for a **Layout Plat** on Lots 1A and Lot 1B, Section 7, T1N, R9E, BHM, Pennington County, South Dakota, legally described as the S1/2 of Government Lot 3, located in S1/2 NW1/4 SW1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23070 Radar Hill Road.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are

- suitable for on-site wastewater systems shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval;
 5. Upon submittal of a Preliminary Plat application, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, the road construction plans shall show Radar Hill Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide the dedication of 17 additional feet of right-of-way along the subject the property as it abuts Radar Hill Road;
 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a shared approach between the two lots or Lot 1B shall be reconfigured as a flagpole lot in order to share the existing approach to Lot 1A;
 7. 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;
 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 9. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 10. Upon submittal of a Preliminary Plat application, a site plan showing the location of the existing residence and the on-site water and wastewater system shall be submitted for review and approval;
 11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a subdivision name;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a ten foot wide planting screen easement along Radar Hill Road or a Variance to the Subdivision Regulations shall be obtained; 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.

A request by Rhonda F. Haskell to consider an application for a **Layout Plat** on Lots 40R and 41R in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of Lot 38 and all of Lots 39 thru 41 in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Hall Street.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Hall Street. In particular, the road construction plans shall show curb, gutter and sidewalk on both sides of the street or a Variance to the Subdivision Regulations shall be obtained; and,**
2. **Upon submittal of the Preliminary Plat application, a drainage plan per the Rapid City Drainage Criteria Manual shall be submitted for review and approval. The plan shall demonstrate that post-development storm water discharges shall not exceed pre-development flow rates or on-site detention shall be provided for review and approval. The plan shall also identify all floodplain areas based on actual site elevations and any development in these areas shall comply with Chapter 15.32 and 16.12.210.C of the Rapid City Municipal Code. In addition, the plat document shall be revised to show a drainage easement as necessary.**

11. No. 04PL159 - Trailwood Village

A request by Sperlich Consulting for Lifestyle Homes to consider an application for a **Preliminary Plat** on Lots 5A and 5B of Block 18 of Trailwood Village (formally Lot 5 of Block 18, Trailwood Village) located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 5 of Block 18, Trailwood Village located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on Savannah Street and abutting Reservoir Road.

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

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

Motion by Brown, seconded by Rodriguez, motion carried unanimously. (6-0 vote with Nash, Schmidt, Brown, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

12. No. 04PL160 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract BD, of Big Sky Subdivision located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Degeest and Homestead.

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

1. **Prior to Preliminary Plat approval by the City Council, a grading and erosion control plan for the west 31 feet of Homestead Street shall be submitted for review and approval;**
2. **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;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for the west 31 feet of Homestead Street shall be submitted for review and approval. In particular, the road construction plans shall show Homestead Street with curb, gutter, sidewalk, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
5. **All Uniform Fire Code shall be continually met;**
6. **Prior to submittal of a Final Plat application the plat document shall be revised to show the name of the subdivision in the plat title;**
7. **Prior to submittal of a Final Plat application, the plat document shall be revised to show an 85 foot non-access easement along all lot corners; and,**
8. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

13. No. 04PL161 - Skyline Pines Subdivision

A request by Sperlich Consulting, Inc. for Pat Hall to consider an application for a **Preliminary Plat** on Lots 2R, 3R, 4R, and 5R, Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2, 3, 4, and 5 of Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at South of Pevans Parkway along Skyline Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, a**

- geotechnical analysis with slope stability information shall be submitted for review and approval;
 2.

Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 3.

Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4.

Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 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 red lined drawings shall be returned to the Engineering Division;
 6.

Prior to Preliminary Plat approval by the City Council, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the road construction plans shall show Skyline Drive with curb, gutter, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7.

Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
 8.

All Uniform Fire Codes shall be continually met;
 9.

Prior to submittal of a Final Plat application, the plat document shall be revised to provide a 20 foot wide major utility easement along a portion of the common lot line between Lot 2R and 3R, extending north to the north lot line of Lot 2R to accommodate a City water main;
 10.

Prior to submittal of a Final Plat application written documentation from all of the affected utility companies shall be submitted identifying concurrence with the relocation of the utility easements along the common lot lines;
 11.

Prior to submittal of a Final Plat application, the plat document shall be revised to clearly delineate the non-access easement along Skyline Drive;
 12.

Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
14. No. 04PL162 - Eastridge Estates Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 6, Block 3, Eastridge Estates Subdivision, and dedicated street located in the NW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and previously unplatted land

residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Enchanted Pines Road along Enchantment Road.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for Stumer Road shall be submitted for review and approval. In particular, the road construction plans shall show Stumer Road constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **All Uniform Fire Code shall be continually met;**
4. **Prior to submittal of a Final Plat, the plat document shall be revised to show a non-access easement along Lot 6 as it abuts Enchantment Road and the first 75 feet of Stumer Road;**
5. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
6. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

15. No. 04PL163 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 2A thru 7A and Lots 1B thru 7B Block 1, Eastridge Subdivision, and Lots 1A thru 9A and Lots 1B thru 9B Block 2, all located in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and previously unplatted land residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Enchanted Pines Road along Enchantment Road.

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

1. **Prior to Preliminary Plat approval by the City Council, the right-of-way for Stumer Road as it abuts the subject property shall be dedicated on a separate plat document or this plat document shall be revised to include the dedication of the street. If Stumer Road is dedicated on this plat document then road construction plans for Stumer Road shall be submitted for review and approval. In particular, the road construction plans shall show Stumer Road located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the**

- Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, the right-of-way for Enchantment Road and Enchanted Pines Drive shall be dedicated on a separate plat document or this plat document shall be revised to include the dedication of the streets;**
 3. **Prior to Preliminary Plat approval by the City Council, the right-of-way for Enchanted Pines Road shall be dedicated from the subject property to Fifth Street or a Special Exception to allow 71 dwelling units in lieu of 40 dwelling units with one point of access shall be obtained;**
 4. **All Uniform Fire Code shall be continually met;**
 5. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,**
 6. **Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

16. No. 04SR060 - Century 21 Subdivision

A request by Centerline for A/R Group to consider an application for an **11-6-19 SDCL Review to allow the extension of city water and sewer mains** on the public rights-of-way located adjacent to Lots A and B, Menard Subdivision and Tract 1 Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Campbell Street along East North Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the extension of city water and sewer mains be approved with the following stipulations:

1. **Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the City Engineer;**
2. **Prior to the start of construction, a Right-of-way Permit from the South Dakota Department of Transportation shall be obtained for the proposed water and sewer main construction within the E. North Street right-of-way; and,**
3. **The work shall be completed within two years of the date of approval.**

17. No. 04VR009 - South Boulevard Addition

A request by Glenda Kolkman for Roger S. Knutsen for Bellwether, Ltd to consider an application for a **Vacation of Public Right-of-Way** on Lots 1 thru 14, Lots 21 thru 32 and Tract B of Block 25, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the alley between 717 Meade Street and 702 Indiana Street and between 725 and 735 Meade Street and 720 Indiana Street.

Planning Commission recommended that the Vacation of Public Right-of-Way be approved with the following stipulation:

- 1. Documents to retain the alley right-of-way as a utility easement shall be prepared and executed prior to vacation of the alley right-of-way.**

18. No. 04SR058 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for an **11-6-19 SDCL Review to allow the construction of a public water system** on Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

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

- 1. Prior to initiation of construction, a developmental lot agreement shall be obtained to legally tie the two properties together or a revised site plan shall be submitted showing access to the subject property located on the subject property.**

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

6. No. 04PL153 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for a **Preliminary Plat** on Lot 6 of Block 4, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road. Continue to 12/9//04 Moved by Gary; seconded by Martha;

Elkins requested that the Preliminary Plat application be continued to the December 9, 2004 Planning Commission meeting.

Brown moved, seconded by Rodriguez, and unanimously carried to recommend that the Preliminary Plat be continued to the December 9, 2004 Planning Commission meeting. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

19. No. 04VR010 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for a **Vacation of Right-of-Way** on a portion of Spring Canyon Trail right-of-way located south of Mountain Pine Lane right-of-way adjacent to Lot 3 Block 5 and Lot 5 Revised Block 4 of Clarkson Subdivision; Tract 1 of Glessnor Addition; the unplatted balance of the N1/2 SE1/4; and the unplatted part of the S1/2 NE1/4 lying south of Lot 5 Revised of Clarkson Subdivision, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

Tucker requested that the Vacation of Right-of-Way be continued to the

December 9, 2004, Planning Commission meeting at the applicant's request.

Brown moved, seconded by Rodriguez, and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the December 9, 2004 Planning Commission meeting. (6-0 vote with Nash, Brown, Rodriguez, Schmidt, Prairie Chicken, and LeMay all voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Nash announced that the Public Hearings on Items 20 through 36 were opened.

Staff requested that Items 20, 22, and 29 be removed from the Hearing Items Consent Calendar for separate consideration.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 36 in accordance with the staff recommendations with the exception of Items 20, 22, and 29. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

The Public Hearings for Items 20 through 36 were closed.

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

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the January 6, 2005 Planning Commission meeting.

23. No. 04CA063 - Section 35, T2N, R7E

A request by Mike Tennyson and Pat Tlustos to consider an application for an **Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Plan from a Planned Residential Development with one dwelling unit per three acres of Office Commercial with a Planned Development Designation** on the north 750 feet of the W1/2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Plan from a Planned Residential Development with one dwelling unit per three acres of Office Commercial with a Planned Development

Designation be approved.

24. No. 04RZ047 - North Riverside Addition

A request by Mike Tennyson and Pat Tlustos to consider an application for a **Rezoning from Heavy Industrial District to Office Commercial District** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1, North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago Street.

Planning Commission recommended that the Rezoning from Heavy Industrial District to Office Commercial District be approved in conjunction with a Commercial Planned Amendment.

25. No. 04RZ056 - North Riverside Addition

A request by Mike Tennyson and Pat Tlustos to consider an application for a **Rezoning from Park Forrest District to Office Commercial District** on the north 640 feet of the unplatted portion of the W1/2 NW1/4 SE1/4 except Block 1, North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago Street.

Planning Commission recommended that the Rezoning from Park Forrest District to Office Commercial District be approved in conjunction with a Commercial Planned Amendment.

26. 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** in 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 January 6, 2005 Planning Commission meeting.

27. No. 04PD068 - Walpole Heights Subdivision

A request by Greg Wierenga, P.E., CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to Allow an On-Sale Liquor Establishment** on Tract A Revised (less Lot H8), Tract C Revised and Tract D,

Walpole Heights Subdivision, Lot AB and a parcel of land described by metes and bounds as beginning at the northeast corner of Tract C Revised, Walpole Heights Subdivision, located in the NE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 29, Page 131 at the office of the Pennington County Register of Deeds; thence N89°46'53"E a distance of 55.00 feet along an easterly extension of the south right-of-way line of Fairmont Boulevard; thence S00°14'07"E a distance of 335.43 feet; thence S89°46'53"W a distance of 79.48 feet; thence N16°55'29"E a distance of 83.90 feet; thence N00°14'07"W a distance of 132.53 feet; thence N00°25'26"W a distance of 96.65 feet; thence N00°25'23"W a distance to 26.09 feet to the point of beginning; the described parcel containing 0.445 acres, more or less and being a portion of Lot H-6 of the E1/2 SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota; said Lot H-6 being highway right-of-way; all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mt. Rushmore Road.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development to Allow an On-Sale Liquor Establishment be approved with the following stipulations:

- 1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 2. Prior to initiation of construction, an Air Quality Permit shall be obtained;**
- 3. The structure shall be fully fire sprinkled and fully fire alarmed;**
- 4. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting background;**
- 5. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 7. The landscaping plan for the Planned Commercial Development shall continually comply with all requirements of the Zoning Ordinance;**
- 8. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;**
- 9. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;**
- 10. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;**
- 11. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 12. The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,**

13. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant at all times.

28. No. 04PD069 - Blakes Addition

A request by Daene Boomsma for Boom Construction Inc. to consider an application for a **Planned Residential Development - Initial and Final Development** Plan on Lots 12 thru 14, Block 2, Blakes Addition, located in the NE1/4 of the SE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 35 Madison Street.

Planning Commission recommended that the Planned Residential Development - Initial and Final Development be continued until the December 9, 2004 Planning Commission meeting.

30. No. 04SV063 - Twilight Hills Subdivision

A request by Jim Hansen for Premier Homes, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16** of the Rapid City Municipal Code on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Meadow Lane Court and Meadow Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16 be approved with the following stipulation:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and street light conduit along Meadow Lane and shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, street light conduit and pavement along Meadow Lane Court.**

31. No. 04SV064 - Section 7, T1N, R9E

A request by Jeffrey L. Glanzer to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A and Lot 1B, Section 7, T1N, R9E, BHM, Pennington County, South Dakota, legally described as the S1/2 of Government Lot 3, located in S1/2 NW1/4 SW1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota, more generally

described as being located at 23070 Radar Hill Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with two stipulations:

1. **Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way along Radar Hill Road; and,**
2. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

32. No. 04SV065 - Hall Subdivision

A request by Rhonda F. Haskell to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 40R and 41R in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of Lot 38 and all of Lots 39 thru 41 in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Hall Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with on stipulation:

1. **Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along Hall Street.**

33. No. 04SV066 - Minnesota Ridge Heights

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the south side of West Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11 thru 16 and Lots 31 thru 42, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NW1/4 SW1/4 less Tract R, less Minnesota Ridge Heights Subdivision, less Lots 18R, 19R and Lot 20, Robbinsdale Addition No. 10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of 5th Street and Minnesota Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the south side of West Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be approved.

34. No. 04SV067 - Trailwood Village

A request by Sperlich Consulting for Lifestyle Homes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 5A and 5B of Block 18 of Trailwood Village (formally Lot 5 of Block 18, Trailwood Village) located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 5 of Block 18, Trailwood Village located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on Savannah Street and abutting Reservoir Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along Reservoir Road.**

35. No. 04SV068 - Big Sky 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, pavement, water and sewer, along the west 31 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on Tract BD, of Big Sky Subdivision located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south west of the intersection of Degeest and Homestead.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, water and sewer, along the west 31 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

36. No. 04SV069 - Skyline Pines Subdivision

A request by Sperlich Consulting, Inc. for Pat Hall to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2R, 3R, 4R, and 5R, Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2, 3, 4, and 5 of Block 1, Skyline Pines

Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located South of Pevans Parkway along Skyline Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

---END OF HEARING CONSENT CALENDAR---

Elkins requested that Items 20 and 22 be considered concurrently.

20. No. 04CA029 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.
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 that Items 20 and 22 be continued to the January 6, 2005 Planning Commission meeting at the applicant's request.

Brown moved, seconded by Rodriguez, and carried unanimously to recommend that the 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 and that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the January 6, 2005 Planning Commission meeting at the applicant's request. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

29. No. 04SV061 - Clarkson Subdivision

A request by CETEC Engineering Services, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6 of Block 4, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8503 Clarkson Road.

Elkins requested that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code be continued to the December 9, 2004 Planning Commission meeting at the applicant's request.

Moved by Brown, seconded by Prairie Chicken, and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code be continued to the December 9, 2004 Planning Commission meeting. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

37. No. 04PD050 - Fairway Hills PRD

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

Tucker requested that the Major Amendment to a Planned Residential Development be moved to the December 9, 2004 Planning Commission meeting at the applicant's request.

Schmidt moved, seconded by Rodriguez, and unanimously carried to continue the Public Hearing on the Major Amendment to a Planned Residential Development to the December 9, 2004 Planning Commission meeting at the applicant's request. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

Elkins requested that Items 38 and 39 be considered concurrently.

38. No. 04PL154 - Section 20, T1N, R8E

A request by Hewey Clemmons to consider an application for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5680 South Highway 79.

39. No. 04SV062 - Section 20, T1N, R8E

A request by Hewey Clemmons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5680 South Highway 79.

Elkins requested that Items 38 and 39 be continued to the December 9, 2004 Planning Commission meeting at the applicant's request.

Rodriguez moved, seconded by Brown, and unanimously carried to recommend that the Layout Plat and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the December 9, 2004 Planning Commission meeting at the applicants request. (6-0 vote with Nash, Brown, Rodriguez, Schmidt, Prairie Chicken, and LeMay all voting yes and none voting no)

40. No. 04SE004 - CHMH Subdivision and Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Special Exception to allow 106 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual** on the S1/2 NE1/4 of Section 23 and S1/2 NW1/4 NW1/4 of Section 24, all located in T2N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at the west end of Northridge Drive.

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

Hani Shafi, Dream Design International, Inc. discussed the one point of access and an agreement that he is working on with Bill Freytag in which they will need a

Special Exception to allow more than 40 dwelling units. Shafi stated that they plan to plat additional lots along Northridge Street before they construct Sagewood Street. He further indicated that the single permit of access will be provided on a temporary basis and he anticipates that Sagewood Street would be constructed in the next two to three years. Shafi requested that the Planning Commission approve the Special Exception.

Schmidt expressed concerns regarding safety issues and the 40 dwelling unit rule and stated that he would not support the Special Exception.

Rodriguez concurred with Schmidt.

Discussion followed concerning the platting of additional lots along Northridge Street.

Schmidt moved, seconded by Rodriguez, and unanimously carried to recommend that the Special Exception to allow 106 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

41. No. 04SR059 - Minnesota Ridge Heights

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for an **11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way** on Tract R in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of 5th Street and Minnesota Street.

Elkins stated that the applicant and the City Attorney's Office are currently working on an agreement for relocation of a fence on a portion of the City's property. Elkins suggested that the Planning Commission recommend approval of the 11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way with a minor revision to Stipulation 1.

Rodriguez moved, seconded by Schmidt, and unanimously carried to approve the 11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way with the following stipulations:

1. **Prior to any construction or disturbance of the site, the applicant shall enter into an agreement with the City to allow the Minnesota Street extension to occupy a portion of the City reservoir lot; and,**
2. **The relocated fence shall be constructed in the same design and elevation as the existing fence. (6-0 vote with Nash, Brown, Rodriguez, Schmidt, Prairie Chicken, and LeMay all voting yes and none voting no)**

42. No. 01UR042 - Section 23, T1N, R7E

A request by the City of Rapid City to consider an application for a **Revocation**

of a Use on Review to allow Communication Tower in Public District on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Fisher presented the request and reviewed staff's recommendations.

In response to a question by Schmidt, Fisher advised that the applicant had removed the top 180 feet of the tower and minimized the icing issues.

Prairie Chicken moved, seconded by Rodriguez, and unanimously carried to table the Revocation of a Use on Review to allow a Communication Tower in the Public Zoning District and to allow the existing Use on Review to continue with the original stipulations of approval and with the following additional stipulation:

- 1. The tower shall have a maximum height of 180 feet. Any expansion of the tower shall require the review and approval of a SDCL 11-6-19 Review. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)**

43. No. 04VR011 - Millard Addition

A request by Lyle Henriksen for Chase & Company, LPI to consider an application for a **Vacation of Right-of-Way** on the portion of Greenway Street right-of-way lying between the east line of Holcomb Avenue right-of-way and a line between the south corner of Lot 3 and the east corner of Lot 19 of Block 1 of Millard Addition, located in NE1/4 of NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Greenway Street between Holcomb Avenue and North Maple Avenue.

Tucker requested that the Vacation of Right-of-Way be continued to the December 9, 2004, Planning Commission at the applicant's request.

Rodriguez moved, seconded by Prairie Chicken, and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the December 9, 2004, Planning Commission at the applicant's request. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)

44. Discussion Items

A. Noise Standards - Michael L. Gould

Michael Gould stated that in his opinion noise is a form of pollution. He also noted that his research shows towns smaller than Rapid City have noise ordinances. Gould suggested that the Planning Commission consider developing a noise ordinance for Rapid City.

Joel Landeen, Assistant City Attorney, stated that the City of Rapid City does utilize the Disturbing the Peace ordinance in situations involving excessive noise.

Elkins suggested that the Planning Commission may wish to direct staff to research the noise standards and bring back the information to the Planning Commission for their review in the near future.

Rodriguez moved, seconded by Brown and unanimously carried to direct staff to research noise standards and bring the information back to the Planning Commission for review within 90 to 120 days. (6-0 vote with Nash, Brown, Rodriguez, Schmidt, Prairie Chicken, and LeMay all voting yes and none voting no)

45. Staff Items

A. **Planning Commission appreciation**

Elkins thanked the Planning Commissioners and Staff for their support, input, and hard work over the past year.

29. Planning Commission Items

None

30. Committee Reports

None

There being no further business Rodriguez moved, Brown seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (6-0 vote with Nash, Brown, Schmidt, Rodriguez, Prairie Chicken, and LeMay all voting yes and none voting no)