

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 10, 2005

MEMBERS PRESENT: Peter Anderson, Gary Brown, Ida Fast Wolf, Debra Hadcock, Mike LeMay, Mel Prairie Chicken and Ethan Schmidt.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Linda Foster, Patsy Horton, Michelle Horkey, Bob Dominicak, Bill Knight, Joel Landeen and Risë Ficken.

Vice-Chairperson Brown called the meeting to order at 7:00 a.m.

---NON HEARING ITEMS CONSENT CALENDAR---

Brown 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 14 be removed for separate consideration.

Schmidt requested that Item 12 be removed for separate consideration.

Anderson moved, Hadcock seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 12 and 14. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

1. Approval of the February 24, 2005 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 April 7, 2005 Planning Commission meeting at the applicant's request.

3. No. 04AN010 - Section 35, T1N, R7E
A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

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

4. 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 April 7, 2005 Planning Commission meeting at the applicant's request.

5. No. 04CA030 - Waterslide Addition

A Summary of Adoption Action - Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan on a right-of-way 76.00 feet in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26; thence N56 29'51"W along a non-visual line, 972.17 feet to the TRUE POINT OF BEGINNING; Thence S22 35'26"E 198.94 feet; Thence along a curve to the right having a radius of 526.00 feet, included angle of 23 53'35", and a curve length of 219.35 feet; Thence S01 18'09"W 1438.43 feet; Thence along a curve to the right having a radius of 600.00 feet, included angle of 56 04'11", and a curve length of 587.16 feet; Thence S57 22'20"W 343.27 feet; Thence along a curve to the left having a radius of 600.00 feet, included angle of 56 04'11", and a curve length of 587.16 feet; Thence S01 18'09"W 150.00 feet to a point on the south line of section 26; said parcel containing 6.15 acres more or less and located in the SE1/4NW1/4 and SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, City of Rapid City, South Dakota, more generally described as being located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

Planning Commission approved the Summary of Adoption and authorized publication in the Rapid City Journal.

6. 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.

Planning Commission acknowledged the applicant's request to withdraw the Layout Plat.

7. No. 04PL185 - Owen Hibbard Subdivision

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

located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission continued the Preliminary Plat to the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

8. No. 04VR013 - Potts Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Donald Potts to consider an application for a **Vacation of a portion of undeveloped section line right-of-way** on the SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.

Planning Commission recommended that the Vacation of the eastern most 273.17 feet of undeveloped section line right-of-way be approved and that Vacation of the western most 750 feet of undeveloped section line right-of-way be denied.

9. No. 05PL026 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a **Preliminary Plat** on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian 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.

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

1. **Prior to City Council approval, the plat shall be revised to show "formerly Lots 1-5 of Stahl Victorian Addition" located within parentheses;**
2. **Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for Hill street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of curb, gutter and sidewalk Hill Street or a Variance to the Subdivision Regulations shall be obtained;**
4. **All applicable provisions of the International Fire Code shall be continually met; and,**
5. **Upon submittal of a Final Plat application, surety for any required**

subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

10. No. 05PL027 - Park Meadows Subdivision

A request by Greg Wierenga, CETEC Engineering Services, Inc. for Park Hill Development, Inc. to consider an application for a **Preliminary Plat** on Lots 8, 9, 10, 11, 12, 13 and 14 of Block 3 and Lots 5, 6, 7, 8, 9, 10, 11 and 12 of Block 4, all located in NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NE1/4 SE1/4 less the west 650 feet of the east 700 feet of the south 372.5 feet all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sidney Drive along Oakland Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a revised Master Plan showing the future townhome lots shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 4. The International Fire Code shall be continually met;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to clearly show the street name as "East Oakland Street";**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the 25 foot front and rear building setback note;**
- 7. Prior to submittal of a Final Plat application, drainage easements on adjacent properties abutting proposed Lot 5 of Block 4 shall be recorded at the Register of Deed's Office as needed. In addition, the plat document shall be revised to provide a drainage easement along the northern portion of proposed Lot 5, Block 4; along the north lot line of Lot 11, Block 3; and, along the rear lot line of Lots 11 thru 14 of Block 3 as needed. In addition the recorded drainage easement(s) and the revised plat document shall be submitted for review and approval; and,**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

11. No. 05PL028 - Shoenhard Subdivision and Mann Subdivision

A request by Renner Associates, LLC for BB&R Properties to consider an application for a **Preliminary Plat** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B

of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, additional drainage information in compliance with the Rapid City Drainage Basin Criteria Manual shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show a water service line to proposed Lot 6R. In addition, the plat document shall be revised to provide utility easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show a sewer service line to proposed Lot 6R. In addition, the plat document shall be revised to provide utility easements as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, an Approach Permit from the South Dakota Department of Transportation shall be obtained for the proposed approach along West Chicago Street to Lot 6R. In addition, the plat document shall be revised to show a non-access easement along West Chicago Street except for the approved approach location(s);**
- 7. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the east line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;**
- 8. Prior to Preliminary Plat approval by the City Council, road construction plans for the private access easement shall be submitted for review and approval. In particular, street shall be located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 9. Prior to Preliminary Plat approval by the City Council, road**

construction plans for East Chicago Street shall be submitted for review and approval. In particular, the construction plans shall show a sidewalk along East Chicago Street or a Variance to the Subdivision Regulations shall be obtained;

10. The International Fire Code shall be continually met;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
13. No. 05SR005 - Rapid City Greenway Tract
A request by Kathy Cook for Hills Alive - KSLT/KLMP Radio Summer Music Festival to consider an application for an **11-6-19 SDCL Review of a use in a public place** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park, 301 North Fifth Street.

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

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;
5. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
6. No banners shall be allowed within the public right-of-way or on fences;
7. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
8. A Temporary Use Permit shall be obtained prior to initiation of the event;
9. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
10. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
11. Security shall be provided for the duration of the special event and a

- weather radio shall be on-site and monitored continually;
12. The proposed event shall be allowed to operate for no more than two event days per year; and,
 13. The SDCL 11-6-19 Review for a Summer Music Festival shall be valid for three years.

15. No. 05SR007 - Section 28, T1N, R7E

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Reivew to allow the construction of a lift station** on the unplatted portion of the NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Sheridan Lake Road and east of Red Rock Estates.

Planning Commission continued the SCDL 11-6-19 Review to the March 24, 2005 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 05SR008 - Lazy P-6 Land Company, Inc. Subdivision

A request by Centerline, Inc. for Lazy P-6 Land Co. Inc. to consider an application for an **SDCL 11-6-19 Review to allow construction of street and public utilities** on the N1/2 NW1/4 NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive and north of Catron Boulevard.

Planning Commission approved the SDCL 11-6-19 Review to allow construction of street and public utilities with the following stipulations:

1. Prior to Planning Commission approval, a drainage plan shall be submitted for review and approval demonstrating that the street is being constructed to accommodate flows from the adjacent property;
2. 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 Growth Management Department;
3. Prior to the start of construction, a public utility easement shall be recorded at the Register of Deed's Office for the construction of City sewer and water or a Final Plat and/or H Lot shall be recorded dedicating Sandra Lane as public right-of-way;
4. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; and,
5. Prior to the start of construction, the applicant shall provide information demonstrating that wetland mitigation has been accomplished for this area. In addition, a 404 Permit shall be obtained, if necessary, from the Corp of Engineers.

17. No. 05VR001 - Section 27, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Vacation of Section Line Right-of-Way** on Lots 1 and 2 of Utility Subdivision and NW1/4 NE1/4, Section 27, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Planning Commission recommended that the Vacation of Section Line Right-of-Way be approved.

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

12. No. 05PL029 - Fountain Springs Park Subdivision
A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC to consider an application for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14 and Outlot A of Block 1; and Lots 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B and Outlot B of Block 2; and dedicated Right-of-Way of Fountain Springs Park Subdivision located in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, legally described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76 34'25" E a distance of 263.55'; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 96.01 feet; thence N28°03'17" W a distance of 156.68 feet; thence N72°09'41" E a distance of 374.59 feet; thence S17°42'19" E a distance of 272.78 feet; thence S37°37'39" E a distance of 288.47 feet; thence S72°03'18" W a distance of 106.09 feet; thence S57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S27°16'02" W a distance of 14.10 feet; thence S72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Harmony Heights Lane and Sunny Springs Drive.

Schmidt advised that he had requested the removal of this item from the consent agenda in order to abstain from voting on the request.

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

- 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall**

- be revised to provide drainage easements as needed;
 2. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties;
 3. Upon submittal of a Preliminary Plat application, construction plans for Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show Plaza Drive constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision shall be obtained;
 4. Upon submittal of a Preliminary Plat application, construction plans for Wesleyan Boulevard, Harmony Heights Lane and Sunny Springs Road shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision shall be obtained;
 5. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway located through the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated;
 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Plaza Boulevard except for the approved approach location(s), the first 75 feet along the southwest corner of Lot 2A and the first 50 feet along the balance of the corner lots;
 7. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Plaza Boulevard or a Variance to the Subdivision Regulations shall be obtained; and
 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (6 - 0 - 1 with Anderson, Brown, LeMay, Fast Wolf, Hadcock and Prairie Chicken voting yes, none voting no, and with Schmidt abstaining)
14. No. 05SR006 - Par Subdivision
A request by Renner & Associates, LLC for Black Hills Power to consider an application for an **SDCL 11-6-19 Review to allow the construction of a utility hub structure** on Utility Lot 1 of Par Subdivision located in the E1/2 of the SE/14 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 770 Catron Boulevard.

Elkins advised that staff recommends that the request be continued to the March 24, 2005 Planning Commission meeting as the stipulations of approval have not been met.

Hadcock moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a utility hub structure to the March 24, 2005 Planning Commission meeting. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Brown announced that the Public Hearings on Items 18 through 39 were opened.

Staff requested that Items 23 and 33 be removed for separate consideration.

Schmidt requested that Items 26, 27, 28, 35 and 36 be removed for separate consideration.

LeMay moved, Hadcock seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 through 39 in accordance with the staff recommendations with the exception of Items 23, 26, 27, 28, 33, 35 and 36. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 18 through 39 were closed.

Staff advised that a member of the audience has requested that Item 31 be removed from the Hearing Consent calendar for separate consideration.

Schmidt moved, Prairie Chicken seconded and unanimously carried to reconsider the Hearing Items Consent Calendar. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

Schmidt requested that Item 31 be removed from the Hearing Items Consent Calendar for separate consideration.

Schmidt moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 through 39 in accordance with the staff recommendations with the exception of Items 23, 26, 27, 28, 31, 33, 35 and 36. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

18. No. 04CA029 - Hyland Park Subdivision

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

Sammis Trail.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the April 7, 2005 Planning Commission meeting at the applicant's request.

19. No. 04RZ037 - Hyland Park Subdivision

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

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the April 7, 2005 Planning Commission meeting at the applicant's request.

20. No. 04SV042 - Hyland Park Subdivision

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

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

21. 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 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.

Planning Commission acknowledged the applicant's request to withdraw the Variance to the Subdivision Regulations.

22. No. 04CA060 – Major Street Plan Amendment

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of US Highway 16B (Catron Boulevard), north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

Planning Commission recommended that the Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads be denied without prejudice.

24. No. 05CA008 - Auburn Hills Subdivision

A request by Sperlich Consulting for Doeck, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along

the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, more generally described as being located in Auburn Hills Subdivision.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential with a Planned Residential Development Designation.

25. No. 05RZ009 - Auburn Hills Subdivision

A request by Sperlich Consulting for Doeck, LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-

way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, more generally described as being located in Auburn Hills Subdivision.

Planning Commission recommended approval of the Rezoning from Low Density Residential District to Medium Density Residential District be approved contingent upon approval of the Comprehensive Plan Amendment and Planned Development Designation.

29. No. 05CA013 - Potts Subdivision

A request by Fisk Land Survey & Consulting Engineers for Donald Potts to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 13.78 acre**

parcel from Low Density Residential to Park Forest on Lot 1 and Lot 2, Potts Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 13.78 acre parcel from Low Density Residential to Park Forest.

30. No. 05SV011 - Section 22, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

32. No. 05RZ003 - Section 22, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Rezoning from General Agriculture District to Park Forest District** on the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard.

Planning Commission recommended that the Rezoning from General Agriculture Zoning District to Park Forest Zoning District be approved.

34. No. 05SV013 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian 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.

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

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

37. No. 05RZ018 - Big Sky Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot X of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Homestead Street between Degeest Street and Aurora Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.

38. No. 05SV010 - Moon Meadows Estates Subdivision

A request by Joel Boylan to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 3025 Moon Meadows Drive.

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

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

39. No. 05SV015 - Shoenhard Subdivision and Mann Subdivision

A request by Renner Associates, LLC for BB&R Properties to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway, to waive the requirements to install street light conduit and sidewalks along E. Chicago Street, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right of way along a private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

Planning Commission recommended that the Variance to the Subdivision

Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway and an access easement and to waive the requirements to install street light conduit and sidewalks along West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 24, 2005 Planning Commission meeting at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

23. No. 04PD082 - Nowlin and Wood Addition

A request by Fisk Land Surveying & Consulting Engineers to consider an application for a **Planned Commercial Development - Final Development Plan** on the north 318.90 feet of Lot 16 of the replat of Block 31 of Nowlin and Wood Addition excepting therefrom Lots H1, H2 and H3, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North LaCrosse Street.

Tucker stated that a revised site plan for the proposed development was distributed to the members of the Planning Commission. Tucker reviewed the revisions to the site plan noting staff's recommendation for approval of the Final Development Plan with stipulations.

Schmidt moved, Anderson seconded and unanimously carried to approve the Planned Commercial Development - Final Development Plan with stipulations:

- 1. The uses allowed within the Planned Commercial Development shall be limited to a retail store;**
- 2. 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;**
- 3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 5. A minimum front yard and side yard setback of 25 feet shall be provided with a minimum rear yard setback from the west property line of 30 feet being provided;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;**
- 8. An exception to the Street Design Criteria Manual is hereby granted to allow a driveway access which does not align with an existing access on the east side of North LaCrosse Street;**
- 9. Prior to issuance of a Building Permit, pavement markings and traffic signage must be submitted for review and approval;**
- 10. All site lighting shall be directed away from the adjacent rights-of-way and residentially zoned properties;**
- 11. An exception is hereby granted to allow the proposed screening fence**

to be a maximum of four feet in height in lieu of the required five feet within the required 25 foot front yard setback;

12. All applicable provisions of the International Fire Code shall be continually met; and,
13. 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. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, 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.

Schmidt advised that he had requested the removal of Items 26, 27 and 28 from the Consent Agenda in order to abstain from voting on the requests.

26. No. 05CA012 - Fountain Springs Park Subdivision

A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 5.776 acre parcel from Park Forest to Office Commercial with a Planned Residential Development** on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 15.98 feet; thence N17°50'19" W a distance of 154.78 feet; thence N72°09'41" E a distance of 266.78 feet; thence S17°42'19" E a distance of 272.78 feet; thence S 37°37'39" E a distance of 288.47 feet; thence S 72°03'18" W a distance of 106.09 feet; thence S 57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S 25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S 27°16'02" W a distance of 14.10 feet; thence S 72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Harmony Heights Lane and Sunny Springs Drive.

27. No. 05PD010 - Fountain Springs Park Subdivision
A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 15.98 feet; thence N17°50'19" W a distance of 154.78 feet; thence N72°09'41" E a distance of 266.78 feet; thence S17°42'19" E a distance of 272.78 feet; thence S 37°37'39" E a distance of 288.47 feet; thence S 72°03'18" W a distance of 106.09 feet; thence S 57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S 25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S 27°16'02" W a distance of 14.10 feet; thence S 72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Harmony Heights Lane and Sunny Springs Drive.
28. No. 05RZ017 - Fountain Springs Park Subdivision
A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 46.34 feet; thence N72°03'18" E a distance of 159.45 feet, thence S57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S25°22'55" E, with a chord length of 38.90 feet, thence S17°50'42" E a distance of 299.76 feet; thence S27°16'02" W a distance of 14.10 feet; thence S72°12'20" W a distance of 256.46 feet; thence N17°47'39" W a distance of 0.00 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 94233.94 square feet, 2.163 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Harmony Heights Lane and Sunny Springs Drive.

Prairie Chicken moved, Hadcock seconded and carried to recommend approval of the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 5.776 acre parcel from Park Forest to Office Commercial with a Planned Residential Development (05CA012);

to approve the Planned Residential Development - Initial and Final Development Plan in conjunction with the associated Comprehensive Plan Amendment and Rezoning Request (05PD010*) with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved;**
- 3. Prior to issuance of a building permit, the applicant shall demonstrate that the approaches along Sunny Springs Drive shall align with existing approaches located on the opposite side of the street or adequate separation between approaches shall be provided as per the Street Design Criteria Manual;**
- 4. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**
- 5. All International Fire Codes shall be met;**
- 6. The proposed structures shall conform architecturally to the elevations and color palette submitted as part of this Planned Residential Development Plan; and,**
- 7. The Planned Residential Development shall allow the townhome development and one single family residential lot. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years; and,**

****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.***

to recommend that the Rezoning from General Agriculture District to Office Commercial District (05RZ017) be approved contingent upon approval of the Comprehensive Plan Amendment and Planned Residential Development Plan. (6 - 0 - 1 with Anderson, Brown, LeMay, Fast Wolf, Hadcock and Prairie Chicken voting yes, none voting no, and with Schmidt abstaining)

31. No. 05SV022 - Potts Subdivision
A request by Fisk Land Survey & Consulting Engineers for Donald Potts to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit,**

water, sewer, and pavement along the western most 750 feet of the Section Line in the SW1/4SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.

Chris Haugo, Haugo Broadcasting, requested that the Subdivision Variance be continued to allow discussion of the waiver of right to protest future assessments with the applicant.

Janelle Finck, Fisk Land Surveying & Consulting Engineers, stated that the applicant previously attempted to contact Haugo with a request to sign a petition to vacate the section line right-of-way and received no response. Finck noted that the adjacent landowner, Black Hills Corporation, has signed a petition for vacation of right-of-way along the section line. Finck added that Haugo has had ample opportunity to discuss issues with the applicant and requested that the Planning Commission approve the Subdivision Variance as recommended by staff.

Haugo expressed concern that he had only received the hearing notice for the requested Subdivision Variance last week. Haugo identified his concerns associated with the potential for road improvements to be assessed against his property.

In response to a question from Schmidt, Finck stated the applicant's preference for the Subdivision Variance to move forward as quickly as possible. Finck indicated that the applicant has no objection to signing the waiver of right to protest future assessments.

Schmidt indicated his opinion that a two week delay to allow discussions to occur between Haugo and the applicant would be appropriate.

Schmidt moved and Anderson seconded 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 along the western most 750 feet of the Section Line be continued to the March 24, 2005 Planning Commission meeting.

Elkins advised that the City Council will also consider the Subdivision Variance application. Elkins indicated that Haugo could discuss his concerns with the applicant prior to City Council's consideration of the request.

Schmidt stated that he feels the application should be continued to allow Haugo an opportunity to discuss issues with the applicant prior to Planning Commission approval of the Subdivision Variance.

In response to a question from Prairie Chicken, Haugo indicated that he would like to discuss the potential to sign a petition to vacate the section line highway.

Finck reviewed the applicant's attempts to contact Haugo. Finck noted that because Haugo chose not to participate in the vacation of section line highway,

substantial revisions were made to the plans for the development.

Hadcock commented that she felt Haugo has had adequate time to discuss issues with the applicant.

Hadcock made a substitute motion and Prairie Chicken seconded 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 along the western most 750 feet of the Section Line be approved with the following stipulations:

- 1. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along the Section Line Highway right-of-way.**

Schmidt expressed opposition to the motion on the floor.

The motion carried to recommend approval of the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along the western most 750 feet of the Section Line highway with the following stipulations:

- 1. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along the Section Line Highway right-of-way. (5 to 2 with Anderson, Brown, Hadcock, LeMay and Prairie Chicken voting yes and with Fast Wolf and Schmidt voting no)**

33. No. 05PD008 - Stahl Victorian Addition

A request by Richard O. Stahl to consider an application for a **Major Amendment to a Planned Residential Development to allow the adjustment of lot lines, increase garage size and convert duplexes to townhomes** on Lots 1-5 of Stahl Victorian 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.

Tucker advised that staff recommends that this item be continued to the March 24, 2005 Planning Commission meeting to allow the applicant to provide a signed letter from the West Boulevard Homeowners Association as stipulated in the conditions of approval.

Richard Stahl, applicant, presented a letter from the West Boulevard Homeowners Association. Elkins read the letter to the Planning Commission.

Tucker stated staff's recommendation for approval of the Major Amendment to a Planned Residential Development with stipulations.

Prairie Chicken moved, Hadcock seconded and unanimously carried to approve Major Amendment to a Planned Residential Development to allow

the adjustment of lot lines, increase garage size and convert duplexes to townhomes with the following stipulations:

- 1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 16 dwelling units;**
- 2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the buildings;**
- 3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 4. Prior to Planning Commission approval, a signed letter indicating approval from the West Boulevard Homeowners Association shall be submitted ;**
- 5. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District. However, a reduced side yard setback on lots 2A and 3A from 25 feet to six feet shall be allowed, a reduced rear yard setback from 25 feet to 21 on lot 2A, a reduced rear yard setback on lot 2B from 25 feet to nine feet and a reduced rear yard setback on lots 3A and 3B from 25 feet to 20 feet shall be allowed;**
- 6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;**
- 7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 8. All applicable provisions of the International Fire Code shall be continually met;**
- 9. The proposed structures shall conform architecturally to the plans and elevations submitted; and,**
- 10. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, 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.

35. No. 05PD011 - Section 25, T2N, R7E

A request by FMG Engineering for F&A Properties to consider an application for a **Planned Commercial Development - Final Development Plan** on that part of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 463.66 feet to a point on the west Haines Avenue right-of-way line and the east line of the Unplatted

Balance of the NE1/4 of the NW1/4 of Section 25; thence west, 179.61 feet to a point; thence south, 190.03 feet to a point on the north Paha Sapa Road right-of-way line and the south line of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25,; thence S89°57'12"W, 56.50 feet to a ½" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a ½" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located within NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; said parcel containing 2.760 acres more or less, more generally described as being located west of Haines Avenue, south of Mall Drive, north of Paha Sapa Drive and east of Lakota Homes.

Schmidt expressed concern that the staff's recommendation does not contain a stipulation requiring a screening fence on the west property line as discussed in the staff report.

Elkins explained that the applicant is required to provide the screening fence as shown on the approved site plan. Elkins stated that the Planning Commission can add an additional stipulation specifically identifying the screening fence for the west property line to clarify the requirement. Elkins noted that any change to that requirement would require a Major Amendment to the Planned Commercial Development.

Schmidt moved, Prairie Chicken seconded and unanimously carried to approve the Planned Commercial Development - Final Development Plat 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 structure;**
- 2. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;**
- 3. The use allowed within the Planned Commercial Development shall be limited to a furniture store;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 5. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;**
- 6. No off-premise, flashing or electronic motion signs shall be permitted for the proposed Planned Commercial Development;**
- 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 8. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 9. The requirement to install a screening fence along the property lines abutting Mall Drive and Pahasapa Road and along the west property line within the required 25 foot front yard setback from Mall Drive and Pahasapa Road is hereby waived;**

10. The proposed structure shall be fully fire sprinkled and fire alarmed as per the International Fire Code;
11. All applicable provisions of the International Fire Code shall be continually met;
12. Prior to issuance of a Building Permit, the applicant shall demonstrate that easements exist on the adjacent property to the south of the subject property for the installation and operation of the proposed storm sewer main;
13. Prior to issuance of a Building Permit, the required drainage basin fees shall be paid;
14. Prior to issuance of a Building Permit, the applicant shall submit original, reproducible construction drawings for both private and public water and sewer main extensions for review and approval;
15. An exception is hereby granted to allow more than two driveway approaches to the subject property;
16. An approach permit and right-of-way permit shall be obtained prior to any construction within the public right-of-way;
17. The hours of delivery, for the proposed furniture store, shall be limited to the hours between 7:00 AM and 10:00 PM;
18. 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,

Planning Commission Recommendation:

19. A screening fence shall be provided along the west property line as shown on the site/landscaping plan. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, 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.

36. No. 05RZ016 - Section 10, T1N, R7E

A request by Rick Skywatcher for Beverly Healthcare - Meadowbrook to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Lot C of the SW1/4 NW1/4 Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2500 Arrowhead Drive.

Schmidt noted that a letter relating to this item was received from Richard Trankle expressing his concern regarding traffic issues and property values.

Sharon Thole, Executive Director of Beverly Healthcare at Meadowbrook, explained that the facility on the subject property is a non-conforming use. Thole stated that they are proposing to construct a shed to store equipment and other items used on the property. Thole added that the applicant does not intend to

add onto the existing structure or add any additional beds to the existing facility. Thole referenced a State moratorium that restricts the addition of beds for this type of facility.

In response to a question from Schmidt, Thole stated that she had not spoken to Richard Trankle.

Douglas Vallis, area property owner, advised that he is the unofficial representative for the owners of property abutting the Beverly Healthcare property. Vallis indicated that the property owners object to the proposed rezoning of the property. Vallis stated that approximately 15 years ago the Planning Commission approved a substantial expansion to the dining room of the Beverly Healthcare facility and did not require that the property be rezoned. Vallis stated that the area property owners have no objection to the construction of a shed on the property and he requested that the Planning Commission approve the construction of the shed without requiring that the property be rezoned. Vallis discussed concerns regarding the potential for future development of the property as three story apartments, traffic, and impact on the existing single family properties. Vallis distributed a petition opposing the rezoning to the Planning Commission.

At Vallis' request, a number of people in the audience indicated their opposition to the rezoning request by raising their hands.

In response to a question from Prairie Chicken, Elkins explained that the construction of the shed requires that the facility be brought into conformance with the zoning ordinance. Elkins noted that the Planning Commission could require that a Planned Development Designation be placed on the property. Elkins stated that a Planned Development Designation would require public notice to be sent to nearby property owners prior to initiation of any additional construction on the property. Elkins clarified apartments are a permitted use in the Medium Density Residential zoning district. She stated that the Planned Development Designation would not preclude a change in use on the property, but would provide area property owners with notice and an opportunity to comment.

In response to a question, Elkins indicated that the existing use has been in place for a number of years. Elkins stated that the applicant cannot construct a shed on the property under the existing zoning district.

Schmidt expressed concern regarding additional traffic that may be generated by a future apartment use. Elkins responded that if a Planned Development Designation is placed on the property, numerous issues, including traffic issues, would be reviewed at such time as an Initial and Final Development Plan is submitted.

Discussion followed concerning the alternatives available to the Planning Commission when a proposed Development Plan shows a significant impact on the neighborhood.

Discussion followed concerning the process to obtain a Planned Development Designation and the topography and potential future uses on the subject property.

In response to a question from Vallis, Elkins explained that it appears that the Planning Commission's previous action to approve the expansion of the dining room on the property without a zoning change was in violation of the Zoning Ordinance.

In response to a question from Brown, Bruce Hoon, area property owner, stated his concurrence with the concerns identified by Vallis.

Schmidt moved, Anderson seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District be approved in conjunction with a Planned Development Designation. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

40. No. 04PL196 - Springbrook Acres Subdivision

A request by Davis Engineering, Inc. for Don and Cherril Brown to consider an application for a **Preliminary Plat** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Estates Drive.

Fisher presented the request noting that this application was continued from the February 24, 2005 Planning Commission meeting to allow the City Council to consider four Exceptions to the Street Design Criteria Manual. Fisher reported that the City Council granted the applicant's request for all four Exceptions and she reviewed each of them. Fisher noted staff's recommendation for approval of the Preliminary Plat with stipulations.

Schmidt noted that a public comment was attached to this item requesting that the applicant adopt private covenants. Joel Landeen, Assistant City Attorney, confirmed that the City is not a party to the private covenants identified.

Fast Wolf moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow 164 dwelling units in lieu of 40 dwelling units with one point of access shall be obtained or a revised Preliminary Plat**

- application showing a second access shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow Foothills Drive as a 1,390 foot long cul-de-sac with no intermediate turnarounds in lieu of a 500 foot long cul-de-sac with an intermediate turnaround every 600 feet shall be obtained or the plat document shall be revised accordingly;
 3. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow Estates Drive as a 750 foot long cul-de-sac with no intermediate turnarounds in lieu of a 500 foot long cul-de-sac with an intermediate turnaround every 600 feet shall be obtained or the plat document shall be revised accordingly;
 4. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive be obtained or the construction plans shall be revised accordingly;
 5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 6. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In particular, the water and sewer plans shall show the extension of main(s) from Estates Drive to proposed Lots 4 and 5 located at the northern terminus of Foothills Drive. In addition, the water plans shall show the location of the existing fire hydrants and the connection to the existing water line(s). The plat document shall also be revised to provide utility easements as needed;
 7. Prior to Preliminary Plat approval by the City Council, pavement design calculations shall be submitted for review and approval;
 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. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, water and sewer along Foothills Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 10. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb and gutter along Estates Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 11. Prior to Preliminary Plat approval by the City Council, the applicant shall submit written documentation from the Springbrook Acres Home Owners Association demonstrating that they are in concurrence with the private streets within the Springbrook Acres Subdivision being utilized to access the proposed development;
 12. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In

- particular, the drainage calculations for the proposed 24 inch corrugated metal pipe in Foothills Drive and the class and depth of the proposed riprap shall be submitted for review and approval;
13. Prior to submittal of a Final Plat application, an Initial and Final Planned Residential Development Plan shall be reviewed and approved reducing the size of the lots from three acres to 1.692 acres and 2.239 acres, respectively, or the plat document shall be revised to provide a minimum three acre lot size or the property shall be rezoned to Low Density Residential District;
 14. Upon submittal of a Final Plat application, the plat document shall be revised to show Estates Drive and Foothills Drive as access easements in lieu of right-of-way. In addition, the applicant shall submit documentation for review and approval demonstrating maintenance of the access easements; and,
 15. 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. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

Tucker requested that Items 41 and 42 be considered concurrently.

41. No. 05PL016 - MDU Regulator #83
A request by Ron Blum for Montana-Dakota Utilities Co. to consider an application for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.
42. No. 05SV007 - MDU Regulator #83
A request by Ron Blum for Montana-Dakota Utilities Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.

Tucker presented the request noting that the proposed plat would create a small lot surrounding the existing utility, leaving an unplatted balance. Tucker stated staff's recommendation for approval of the Preliminary Plat with stipulations. Tucker indicated that as a result of the creation of a new lot, staff recommends that the Variance to the Subdivision Regulations be denied.

Prairie Chicken moved, Fast Wolf seconded and unanimously carried to recommend that the Preliminary Plat (05PL016) be approved with the following stipulations:

- 1. Prior to approval of the Preliminary Plat by City Council, the typographical error in the signature area for the Growth Management Director shall be corrected;**
- 2. Prior to Preliminary Plat approval by City Council, road construction plan shall be submitted for review and approval showing the street constructed with pavement, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations must be obtained;**
- 3. All applicable provisions of the International Fire Code shall be continually met;**
- 4. Prior to Preliminary Plat approval by the City Council, the plat must be revised to show the pipeline and access easement located along the south property line of the existing lot. In addition, the access easement must be a minimum of 45 feet wide as per the Street Design Criteria Manual;**
- 5. 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; and,**
- 6. An approach permit approved by the South Dakota Department of Transportation shall be obtained prior to initiation of construction of the access; and,**

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code (05SV007) be denied. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

Fisher requested that Items 43 and 44 be considered concurrently.

43. No. 05PL030 - Crystal Dome Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson to consider an application for a **Layout Plat** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Long View Road along Radar Hill Road.

44. No. 05SV016 - Crystal Dome Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N,

R8E, BHM, Pennington County, South Dakota, legally described as E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Long View Road along Radar Hill Road.

Fisher presented the request and advised that a Master Plan was submitted for the property earlier in the week. Fisher advised that staff has reviewed the Master Plan and she noted staff's recommendation for approval of the Layout Plat with stipulations. Fisher explained that the construction of the improvements for Radar Hill Road would create a discontinuous street design and she reviewed staff's recommendation for approval of the requested Subdivision Variance with stipulations. Fisher indicated that the applicant will be required to sign a waiver of right to protest future assessment for the improvements.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Layout Plat (05PL030) be approved with stipulations:

- 1. Prior to Layout Plat approval by the Planning Commission, a Master Plan for the balance of the subject property shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 4. 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;**
- 5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show an on-site fire apparatus turnaround easement as per the Fire Department;**
- 6. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 7. The International Fire Code shall be continually met;**
- 8. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve**

drainfield area will be identified and held in reserve unless a public sewer system is provided; and,

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

to recommend that Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code (05SV016) be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

Fisher requested that Items 45 and 46 be considered concurrently.

45. No. 05PL031 - Miracle Place Subdivision

A request by D.C. Scott Co., Land Surveyors for Highmark Builders to consider an application for a **Preliminary Plat** on Lot AR, Lot BR, Lot Cr, Lot D and Revised Well Lot of Miracle Place Subdivision, located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot B, Lot C and Well Lot of Miracle Place Subdivision located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Miracle Place.

46. No. 05SV017 - Miracle Place Subdivision

A request by D.C. Scott Co., Land Surveyors for Highmark Builders to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR, Lot BR, Lot Cr, Lot D and Revised Well Lot of Miracle Place Subdivision, located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot B, Lot C and Well Lot of Miracle Place Subdivision located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Miracle Place.

Fisher presented the request noting that a similar Layout Plat was submitted for the subject property in 2003. Fisher advised that there was significant public opposition from the neighborhood at that time concerning the proposed four lot subdivision. Fisher explained that another individual later brought forward a request for a three lot subdivision of the subject property. Fisher noted that at that time the neighborhood and the developer reached a compromise on the development with the understanding that subdivision improvements would be provided. Fisher added that staff supported the previous Subdivision Variance and she indicated that the applicant has already signed a waiver of right to

protest assessments for future improvements.

Brown stated that he would abstain from voting on this item.

In response to a question from Schmidt, Fisher indicated that staff is recommending to table the applicant's request to waive the requirement to construct sewer improvements as the sewer improvements are already in place. Fisher reviewed staff's recommendation to require the construction of sidewalk, curb and gutter along the east side of Miracle Place.

David Asbridge, applicant, requested that the Planning Commission consider granting the requested variance for the construction of curb, gutter and sidewalk along the east side of Miracle Place. Asbridge explained that there are no other streets within the existing area that have curb, gutter or sidewalks. Asbridge suggested that drainage from the property could be accommodated with a design including a swale and rock riprap to direct the drainage into the major drainage easement.

Schmidt commented that a number of the other requested Subdivision Variances for Cliff Drive and Miracle Place are recommended to be granted, noting that staff's recommendation would only require construction of curb, gutter and sidewalk along the east side of Miracle Place.

Fisher advised that as noted in the previous review, the design for the curb and gutter on the east side of Miracle Place is intended to direct run-off from the subject property. Fisher added that staff's contention is that the construction of curb and gutter will help to keep the drainage from the subject property off of adjoining properties.

Schmidt moved and Prairie Chicken seconded to recommend that the Preliminary Plat (05PL031) be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments;**
2. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including run-off for the additional lot, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, water plans showing the design of the community water system shall be submitted for review and approval. In particular, the applicant shall demonstrate that domestic flow requirement(s) are being met for all four lots;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive shall be submitted for review and**

approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Cliff Drive or a Variance to the Subdivision Regulations shall be obtained;

5. Prior to Preliminary Plat approval by the City Council, road construction plans for Miracle Place shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Miracle Place or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. The International Fire Code shall be continually met;
9. Prior to submittal of a Final Plat application, all of the affected utility companies shall submit written documentation concurring with the revised lot configuration(s) or the plat document shall be revised retaining an eight foot wide utility easement along the existing lot line(s); and,
10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer be tabled and that the Variance to the Subdivision Regulations to waive their requirement to install curb, gutter, sidewalk, street light conduit and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code (05SV017) be approved with the following stipulation:

1. Curb, gutter and sidewalk shall be constructed along the east side of Miracle Place.

LeMay suggested that the requirement for the construction of the sidewalk be waived and that the requirement for the construction of the curb and gutter be denied.

LeMay made a substitute motion to recommend that the Preliminary Plat (05PL031) be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments;
2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including run-off for the additional lot, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;

3. Prior to Preliminary Plat approval by the City Council, water plans showing the design of the community water system shall be submitted for review and approval. In particular, the applicant shall demonstrate that domestic flow requirement(s) are being met for all four lots;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Cliff Drive or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for Miracle Place shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Miracle Place or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. The International Fire Code shall be continually met;
9. Prior to submittal of a Final Plat application, all of the affected utility companies shall submit written documentation concurring with the revised lot configuration(s) or the plat document shall be revised retaining an eight foot wide utility easement along the existing lot line(s); and,
10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer be tabled and that the Variance to the Subdivision Regulations to waive their requirement to install curb, gutter, sidewalk, street light conduit and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code (05SV017) be approved with the following stipulation:

1. Curb and gutter shall be constructed along the east side of Miracle Place.

The motion died due to the lack of a second.

In response to a question from Anderson, Fisher reviewed the aerial photograph of the subject property and identified the location of the proposed segment of sidewalk, curb and gutter along the east side of Miracle Place.

Asbridge advised that the nearest sidewalk to this area is located adjacent to Canyon Lake.

Discussion followed.

Hadcock made a substitute motion and LeMay seconded to recommend that the Preliminary Plat (05PL031) be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments;**
- 2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including run-off for the additional lot, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 3. Prior to Preliminary Plat approval by the City Council, water plans showing the design of the community water system shall be submitted for review and approval. In particular, the applicant shall demonstrate that domestic flow requirement(s) are being met for all four lots;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Cliff Drive or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Miracle Place shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Miracle Place or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 8. The International Fire Code shall be continually met;**
- 9. Prior to submittal of a Final Plat application, all of the affected utility companies shall submit written documentation concurring with the revised lot configuration(s) or the plat document shall be revised retaining an eight foot wide utility easement along the existing lot line(s); and,**
- 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer be tabled and that the Variance to the Subdivision Regulations to waive their requirement to install curb, gutter, sidewalk, street light conduit and water along Cliff Drive and Miracle Place

as per Chapter 16.16 of the Rapid City Municipal Code (05SV017) be approved with the following stipulation:

1. Curb and gutter shall be constructed along the east side of Miracle Place.

Schmidt offered a friendly amendment to the motion maker and second to add to the conditions of approval for the requested Subdivision Variance that the applicant to sign a waiver of right to protest future assessments for the improvements.

The motion maker and the second accepted the friendly amendment.

The motion carried to recommend that the Preliminary Plat (05PL031) be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments;
2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including run-off for the additional lot, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the City Council, water plans showing the design of the community water system shall be submitted for review and approval. In particular, the applicant shall demonstrate that domestic flow requirement(s) are being met for all four lots;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Cliff Drive or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for Miracle Place shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Miracle Place or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. The International Fire Code shall be continually met;
9. Prior to submittal of a Final Plat application, all of the affected utility companies shall submit written documentation concurring with the revised lot configuration(s) or the plat document shall be revised

retaining an eight foot wide utility easement along the existing lot line(s); and,

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

to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer be tabled and that the Variance to the Subdivision Regulations to waive their requirement to install curb, gutter, sidewalk, street light conduit and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code (05SV017) be approved with the following stipulation:

1. Curb and gutter shall be constructed along the east side of Miracle Place; and,

Planning Commission Recommendation:

2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (6 - 0 - 1 with Anderson, LeMay, Fast Wolf, Hadcock, Prairie Chicken and Schmidt voting yes, none voting no, and with Brown abstaining)

Fisher requested that Items 47 and 48 be considered concurrently.

47. No. 05PL032 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Kensington Heights, LLC to consider an application for a **Layout Plat** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elm Avenue and Enchanted Pines Drive.

48. No. 05SV018 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Kensington Heights, LLC to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to dedicate additional right-of-way for Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elm Avenue and Enchanted Pines Drive.

Fisher presented the requests and reviewed the slides. Fisher reviewed the staff report and noted issues associated with dedication of the Elm Avenue right-of-way. Fisher advised that the City Council recently denied a Subdivision Variance

request to waive the requirement for improvements on Elm Avenue on property located to the south of the subject property. Fisher reviewed in detail staff's recommendation to deny the Subdivision Variance request to waive the requirement to construct Elm Avenue and associated improvements. Fisher reviewed staff's recommendation that the applicant work with the adjacent property owner to plat and construct the Elm Avenue right-of-way in equal shares.

Doug Sperlich, Sperlich Consulting, reviewed the plat document and explained that the proposed subdivision does not take access from Elm Avenue. Sperlich stated that the applicant is willing to dedicate the portion of the Elm Avenue right-of-way located on the subject property. Sperlich added that the applicant is willing to sign a waiver of right to protest future assessments for the Elm Avenue improvements.

In response to a question from Anderson, Sperlich stated that the applicant does not have the ability to dedicate right-of-way on property owned by another party.

Anderson moved and Fast Wolf seconded to recommend that the Layout Plat (05PL032) be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 2. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties;**
- 3. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of the east half of Elm Avenue located on the adjacent property or the right-of-way shall be dedicated as a part of a separate plat action or as an "H Lot". In addition, construction plans for Elm Avenue shall be submitted for review and approval. In particular, the construction plans shall show Elm Avenue located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat application, construction plans for Enchanted Pines Drive shall be submitted for review and approval. In particular, the construction plans shall show Enchanted Pines Drive located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat application, construction plans for Dawn Drive and Field View Drive shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a**

- minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, construction plans for Ebenezer Court, Marley Court and Dickens Court shall be submitted for review and approval. In particular, the three cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 7. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the south line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Elm Avenue, Enchanted Pines Drive and the first fifty feet of all corner lots;
 9. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 10. Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and,
 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

To recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide (05SV018) be approved;

To recommend that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet for that portion of Elm Avenue located north of Enchanted Pines Drive (05SV018) be approved with the following stipulation:

1. A ten foot wide utility and pedestrian access easement shall be provided along the subject property as it abuts this section of Elm Avenue; and,

To recommend that the Variance to the Subdivision Regulations to waive

the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code (05SV018) be approved with the stipulation that the applicant sign a waiver of right to protest for any assessment for future improvements.

Discussion followed concerning the City Council's denial of a Subdivision Variance request for the construction of Elm Avenue improvements on property located to the south of the subject property and the applicant's attempts to work with the adjacent property owner concerning dedication of the Elm Avenue right-of-way.

The motion with the above identified stipulations of approval carried unanimously. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

49. No. 04PD080 - Fairway Hills Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Mike Buckingham, Dlorah Inc. to consider an application for a **Major Amendment to Fairway Hills Subdivision** on a tract of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; Thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, S16°50'14"W, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17°55'27", an arc length of 30.30 feet, a chord bearing of S25°58'25"W, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, S34°46'00" W, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91°35'13", an arc length of 241.55 feet, a chord bearing of S80°36'45" W, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, N53°37'38", W more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive

right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of $4^{\circ}41'57''$, an arc length of 18.86 feet, a chord bearing of $N56^{\circ}09'17''$ W, more or less, and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of $16^{\circ}30'34''$, an arc length of 66.27 feet, a chord bearing of $N66^{\circ}39'30''$ W, more or less, and a chord distance of 66.04 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, $N14^{\circ}38'21''$ E, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, $N14^{\circ}38'21''$ E, more or less, a distance of 83.44 feet, more or less, to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, $N25^{\circ}09'50''$ W, more or less, a distance of 132.38 feet, more or less, to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD, and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in Plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17, on Page 132, said corner being marked by a rebar with survey cap number 1019; Thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, $N17^{\circ}55'58''$ E, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, $N20^{\circ}01'18''$ W, more or less, a distance of 326.69 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD, as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, $N57^{\circ}02'43''$ E, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215, said corner being marked by a rebar with survey cap number 6565; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of

Fairway Hills PRD, S22°24'27" E, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S40°29'56" E, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southerly line of said Lot 2 of Fairway Hills PRD, S76°54'53" E, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD, and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on Page 124, said point being marked by a rebar with survey cap number 1019; Thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD, and along the westerly line of said Lot 30 of Fairway Hills PRD, S08°05'24" E, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; Thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, N76°46'01" E, more or less, a distance of 105.59 feet, more or less, to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Plat Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N76°42'20" E, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N87°22'22" E, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, more generally described as being located along Fairway Hills Drive and Sheridan Lake Road.

Fisher advised that this item has been continued a number of times in an effort to allow the applicant to address outstanding issues. Fisher presented the request and reviewed the staff report in detail. Fisher stated staff's recommendation for approval of the Major Amendment to a Planned Residential Development with stipulations.

Discussion followed concerning emergency access to the subject property, the drainage easement located on Lot 3A, the maintenance of green space within the development, and the requirement to construct sidewalks along Foot Hills Drive.

In response to a question from Anderson, Fisher indicated that the addition of the proposed apartment complex is in accordance with the allowable density identified for the original Planned Development.

Nancy Christensen, area property owner, stated opposition to the construction of the proposed apartment complex. Christensen distributed photographs of townhouses located within the Fairway Hills Planned Residential Development. Christensen expressed concern that the approval of a reduction in setbacks resulted in the construction of townhomes very close to the lot lines. Christensen expressed her opinion that the construction of additional apartment units in this area would be aesthetically unpleasant.

In response to a question from Schmidt, Christensen expressed concern with the proposed apartment unit's contribution to additional traffic on Sheridan Lake Road and the lack of a left turn lane into the Fairway Hills Development.

Janelle Finck, Fisk Land Surveying & Consulting Engineers, advised that the proposed development meets all the setback requirements. Finck stated that the applicant is not requesting a reduction in setbacks for the proposed apartments. Finck added that traffic issues were evaluated as part of the review of the Major Amendment application.

In response to a question, Fisher identified the proximity of the Springbrook Acres development in relationship to the Fairway Hills Planned Residential Development.

LeMay moved, Anderson seconded and unanimously carried to approve the Major Amendment to the Fairway Hills Planned Residential Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 3. Prior to issuance of a Building Permit, a Final Plat shall be reviewed and approved reconfiguring the two lots as shown on the site plan;**
- 4. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Planned Residential Development Plan;**
- 5. A minimum of 162 parking spaces shall be provided with six handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6. A minimum of 152,946 landscaping points shall be provided. 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. Each air handling unit shall not exceed four ton in size. In addition, the air handling equipment shall be screened either with an opaque screening fence or a landscaping screen consisting of evergreen plant material and maintained in a live vegetative state and replaced as necessary;**

8. The dumpsters shall be screened with an opaque screening fence or located within the structure(s);
9. Prior to approval by the Planning Commission, the applicant shall enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive
10. All Uniform Fire Codes shall be met;
11. The subject property shall be used as a 108 unit apartment complex. Any other use shall require a Major Amendment to the Fairway Hills Planned Residential Development Plan; and,
12. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay, 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.

Fast Wolf left the meeting at this time.

50. No. 05PD009 - Section 26, T1N, R7E

A request by Conrad Rupert for The Maze, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on that part of the SE1/4 NW1/4 NW1/4 lying east of Highway 16 less right-of-way located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6400 South Highway 16.

Tucker presented the request and reviewed the slides and staff report. Tucker noted staff's recommendation for approval of the Initial and Final Development Plan.

Discussion followed.

Brown stated that he would abstain from voting on this item.

Schmidt moved, LeMay seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

1. The uses allowed within the Planned Commercial Development shall be limited to an amusement and recreation establishment and one off-premise sign;
2. The light from any light source intended to illuminate the proposed off-premise sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or

- facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code;
3. A Sign Permit shall be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code;
 4. A Sign License shall be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code;
 5. An engineer stamped design for the proposed sign with topographical map and utility locations shown shall be provided for review and approval, prior to issuance of a Sign Permit;
 6. Prior to issuance of a Sign Permit, the South Dakota Department of Transportation shall submit a written statement indicating approval as per South Dakota Codified Law 36-1-04;
 7. The applicant shall submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code;
 8. The proposed off-premise sign shall conform architecturally to the plans and elevations submitted;
 9. The proposed off-premise sign shall continually comply with all applicable provisions of the Sign Code;
 10. Prior to issuance of a Sign Permit, a revised site plan shall be submitted, showing a landscaping buffer that will screen the proposed sign's support pole from the South Dakota Highway 16 right-of-way, for review and approval;
 11. 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,
 12. Prior to any expansion of the existing amusement and recreational uses a Major Amendment to the Planned Commercial Development shall be approved. (5 – 0 – 1 with Anderson, Hadcock, LeMay, Prairie Chicken and Schmidt voting yes, and none voting no, and with Brown abstaining)

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.

Fast Wolf returned to the meeting at this time.

51. No. 05UR003 - Section 14, T1N, R7E
A request by Laura Jones for Herman and Wanda Jones to consider an application for a **Conditional Use Permit to allow the construction of an off-premise sign** on the balance of Lot C of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Highway 16 near milepost 65.

Tucker presented the request, reviewed the slides and discussed the staff report. Tucker stated staff's recommendation for approval of the Conditional Use Permit with stipulations.

Schmidt left the meeting at this time.

Terry Olson, Lamar Advertising, stated his opposition to the Conditional Use Permit application. Olson expressed his opinion that the Sign Code Board of Appeals granted the applicant an invalid hardship for the construction of an off-premise sign on the subject property. Olson reviewed a number of concerns with the proposed off-premise sign and the potential for the removal of an existing off-premise sign owned by Lamar Advertising near the subject property,

Hadcock requested clarification concerning the hardship identified when the applicant was granted the variance by the Sign Code Board of Appeals. Elkins advised that an access road to the applicant's business adjacent to U.S. Highway 16 will be removed. Elkins clarified that the variance granted is not a part of the Conditional Use Permit review.

Olson stated that the applicant already has an off-premise sign directing traffic to his place of business. Olson reviewed the terms of a lease agreement between Lamar Advertising and the applicant.

Herman Jones, applicant, discussed the hardship identified when the variance was granted to him as a result of the proposed closure of an access road to his business. Jones stated that he has secured a new sign and has addressed all necessary appeals to the Sign Code Board of Appeals. Jones indicated that the lease that Lamar Advertising has had on his property since 1968 for their off-premise sign has expired. Jones stated that he does not intend to renew the lease and prefers to construct a sign on his own property.

In response to a question from Anderson, Jones indicated that he purchased the easements for both off-premise signs.

Olson stated his opinion that Jones should advertise his business on the existing Lamar Advertising sign.

Discussion followed concerning the removal of off-premise signs along U.S. Highway 16.

Elkins clarified that the issues that Olson has identified are related to previous variances granted by the Sign Code Board of Appeals. Elkins advised that it is not the role of the Planning Commission to balance business interests between two parties.

Olson discussed the number of sign credits Lamar Advertising has available and Lamar Advertising's objections to the construction of the proposed off-premise sign.

LeMay moved, Fast Wolf seconded and unanimously carried to approve the Conditional Use Permit to allow the construction of an off-premise sign with the following stipulations:

- 1. The two sign faces of the sign shall be mounted on a monopole and be parallel or separated at an angle no greater than 20 degrees;**
- 2. The light from any light source intended to illuminate the proposed off-premise sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code;**
- 3. An Electrical Permit shall be obtained for the proposed sign;**
- 4. A Sign Permit shall be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code;**
- 5. A Sign License shall be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code;**
- 6. An engineer stamped design for the proposed sign with topographical map and utility locations shown shall be provided for review and approval, prior to issuance of a Sign Permit;**
- 7. A new letter from the South Dakota Department of Transportation shall be submitted indicating approval of the proposed sign as per South Dakota Codified Law 36-1-04;**
- 8. The applicant shall submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code;**
- 9. The proposed off-premise sign shall conform architecturally to the plans and elevations submitted;**
- 10. Prior to issuance of a Sign Permit, a revised site plan shall be submitted, showing a landscaping buffer that will screen the proposed sign's support pole from the South Dakota Highway 16 right-of-way, for review and approval;**
- 11. The proposed off-premise sign shall continually comply with all applicable provisions of the Sign Code and the variance approved by the City Council; and,**
- 12. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 – 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay and Prairie Chicken voting yes, and with 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.

52. No. 05SV014 - Godfrey Addition
A request by Renner Associates, LLC for Pam Godfrey to consider an application

for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code; to waive the requirement to dedicate additional right-of-way; to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, storm drainage and pavement along the Section Line Highway, along the access easement and along the north/south collector road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Catron Boulevard and U.S. Highway 16.

Horton presented the request and explained that the associated Layout Plat was approved for the subdivision of one lot into two lots. Horton reviewed the requested variances and stated staff's recommendation for denial of the requests.

Brad Juneke advised that he is speaking on behalf of the applicant. Juneke expressed concern that the construction of the subdivision improvements would cost between \$80,000 and \$100,000. Juneke expressed concern that at the time the property is developed, the current road location could change. Juneke stated his opinion that the required subdivision improvements are unreasonable.

Pam Godfrey, applicant, advised that the proposed subdivision of the property is the result of a divorce settlement as ordered by a judge. Pam Godfrey stated that she is not planning to develop the property, noting that the existing well is in good working order and the septic system is in place. Pam Godfrey stated that the current access to the property consists of a gravel road with an emergency turn around. Pam Godfrey emphasized that the property is located in a rural setting.

Anderson requested clarification as to whether a waiver of right to protest future assessments would be a method to postpone the construction of subdivision improvements until such time as the property is further developed.

Elkins stated that a waiver of right to protest an assessment district was an option. She noted that the City Council and the Planning Commission have been consistent with only limited exceptions in requiring the construction of subdivision improvements when a platting action results in an increase in density. Elkins clarified that by creating a second lot, a building permit can be issued for the construction of an additional dwelling.

Pam Godfrey stated that she is not developing the property at this time. Juneke clarified that the divorce settlement directs that the property be divided noting that one lot will be given to Godfrey's former husband.

Discussion followed concerning who would have control of each of the proposed lots.

Dan Godfrey, property owner, requested clarification concerning the purpose of the waiver of right to protest future assessments for the improvements. Elkins explained that by signing a waiver of right to protest future assessments, both properties would be subject to an assessment for improvements in the future.

In response to a question, Elkins reviewed the alternatives available to the Planning Commission for recommendation to the City Council. Discussion followed.

Dan Godfrey required clarification concerning what the City would require if he chose to construct a home on the proposed new lot. Elkins explained that any new construction would be required to comply with the zoning in place for the property. She added that the first 50 feet of driveway would be required to be paved if the property is located in the City Limits. Dan Godfrey stated his opinion that the requirement for the construction of a 50 foot driveway is unreasonable.

Discussion followed.

LeMay moved, Fast Wolf seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code be approved;

That the Variance to the Subdivisions Regulations to waive the requirement to dedicate additional right-of-way along the north/south collector road be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the north/south collector road be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the Section Line Highway be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the access easement be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement

to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along US Highway 16 Frontage Road be approved with the stipulation that prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along US Highway 16 Frontage Road.

(6 – 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay and Prairie Chicken voting yes, and with none voting no)

53. Discussion Items

- A. A request by Pam Godfrey to waive the requirement to annex Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota

Horton advised that the City of Rapid City has adopted a resolution that requires property lying adjacent to City Limits to be annexed at the time of subdivision of the property. Horton stated that Pam Godfrey has requested that the Planning Commission waive the requirement to annex into Rapid City limits.

Elkins noted that staff recommends that Pam Godfrey's request to waive the requirement to annex be denied.

Pam Godfrey stated that there is no benefit to her to annex the property into Rapid City limits. Pam Godfrey expressed concern that her property taxes would increase as a result of the annexation.

Anderson moved, Hadcock seconded and unanimously carried to recommend that the request to waive the requirement to annex into Rapid City limits be denied. (6 – 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay and Prairie Chicken voting yes, and with none voting no)

Discussion followed concerning the disposition of the balance of the items remaining on the Planning Commission agenda.

LeMay moved, Hadcock seconded and unanimously carried to continue the remainder of the agenda items to the March 24, 2005 Planning Commission meeting.

There being no further business, Prairie Chicken moved, Hadcock seconded and unanimously carried to adjourn the meeting at 9:27 a.m. (6 – 0 with Anderson, Brown, Fast Wolf, Hadcock, LeMay and Prairie Chicken voting yes, and with none voting no)