

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 7, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Ida Fast Wolf, Mike LeMay, Scott Nash, and Mel Prairie Chicken. Karen Olson, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Renee Catron-Blair, Karen Bulman, Michelle Horkey, Bob Dominicak, Dave Johnson, Bill Knight, Joel Landeen, Rod Johnson and Risë Ficken.

Nash called the meeting to order at 7:04 a.m.

Nash reviewed the Non-Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Non-Hearing Consent Agenda for individual consideration.

Anderson requested that Item 16 be removed for separate consideration.

Brown moved, Anderson seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 17 in accordance with the staff recommendations with the exception of Item 16.

A member of the audience requested that Item 9 be removed for separate consideration.

Prairie Chicken offered a friendly amendment to the motion to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 17 in accordance with the staff recommendations with the exception of Items 9 and 16. The motion maker and the second accepted the amendment and the motion carried unanimously.

(6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Nash, and Prairie Chicken voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 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 May 5, 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 May 5, 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 May 5, 2005 Planning Commission meeting at the applicant's request.

5. 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 recommended that the Preliminary Plat be continued to the May 5, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

6. No. 04VR011 - Millard Addition

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

Planning Commission recommended that the Vacation of Right-of-Way be denied without prejudice.

7. No. 05AN001 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Petition for Annexation** on Government Lot 4, the unplatted portion of the SE1/4 SW1/4, and the unplatted portion of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Petition for Annexation be continued to the April 21, 2005 Planning Commission meeting at the applicant's request.

8. No. 05AN003 - Johnson School Subdivision
A request by Glen A. Elshire to consider an application for a **Petition for Annexation** on Lot C of NE1/4 NW1/4 and Lot X of Lot B of NE1/4 NW1/4 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3201 School Drive.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire District being paid

10. No. 05PL036 - Elks Country Estates
A request by Sperlich Consulting for Triple Z Real Estate Development to consider an application for a **Layout Plat** on Lots 8-12 of Block 8, Lots 5-9 of Block 9, Lots 17-30 of Block 10, Lots 4-18 of Block 11, Lots 1-10 of Block 12, Lots 1-14 of Block 13, Lots 1-8 of Block 14, Lots 1-6 of Block 15, Lots 1-3 of Block 16 and Lots 1-3 of Block 17 all located in Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Jolly Lane.

Planning Commission recommended that the Layout Plat be continued to the April 21, 2005, Planning Commission meeting.

11. No. 05PL041 - Gravatt Subdivision
A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 21, 2005 Planning Commission meeting.

12. No. 05PL047 - Stone Ridge Subdivision

A request by Dream Design International for Jul-Mar Development to consider an application for a **Preliminary Plat** on Lots 1-3, Block 3, Stone Ridge Subdivision, located in the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the W1/2 of the S1/2 of Government Lot 4, located in the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Parkview Drive and Enchanted Pines Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, a 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. **Prior to Preliminary Plat approval by the City Council, a water and sewer service plan shall be submitted for review and approval;**
3. **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;**
4. **Prior to Preliminary Plat approval by the City Council, 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 or a or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;**
5. **The International Fire Code shall be continually met;**
6. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
7. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

13. No. 05PL048 - Black Hills Estates

A request by Dream Design International to consider an application for a **Layout Plat** on Lots 1-25 and greenway, Black Hills Estates located in the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Catron Boulevard and Fifth Street.

Planning Commission recommended that the Layout Plat be continued to the May 5, 2005 Planning Commission meeting to allow the applicant to submit additional information.

14. No. 05SR006 - Par Subdivision

A request by Renner & Associates, LLC for Black Hills Power to consider an application for a **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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a utility hub structure to the April 21, 2005 Planning Commission meeting.

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

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review 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 acknowledged the applicant's request to withdraw the SCDL 11-6-19 Review.

17. No. 05SR011 - Rapid City Greenway Tract

A request by Black Hills Farmer's Market to consider an application for an **11-6-19 SDCL Review to allow a Farmer's Market in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Planning Commission approved the 11-6-19 SDCL Review to allow a Farmer's Market in a public place with the following stipulations:

1. **Vendor booths shall not occupy any off street parking stalls;**
2. **Prior to Planning Commission approval, a copy of the maintenance and pumping contract for any portable restrooms to be provided for the Farmer's Market shall be submitted;**
3. **All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;**
4. **Prior to location on the site, information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to Fire Prevention to insure all applicable provisions of the Uniform Fire Code are being met;**
5. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040; and,**
6. **The Farmer's Market shall be authorized for 2005 only. A new 11-6-19**

SDCL shall be submitted for review and approval prior to the use of this site in subsequent years.

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

9. No. 05DU001 - Northside Addition

A request by Marty Jacob for MJB Company, Inc. to consider an application for a **Request for approval of a towing company in the Light Industrial Zoning District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

Gerald Borg, manager of Meadowlark Mobile Home Estates, expressed concern that a number of his tenants have to view a junk car storage yard on the subject property. Borg noted that there have been a number of complaints concerning the weeds on the subject property. Borg stated that he maintains the East Adams Street right of way and mows the grass as it makes the mobile home park look better. Borg noted that of the ten tenants that border the subject property five complain about the subject property regularly. Borg asked that the applicant agree to take steps to camouflage the junk that accumulates on the property.

Elkins clarified the Request for Determination is not specific to any particular site. Elkins explained that there is currently no zoning district where a towing facility is specifically allowed. Elkins stated that approval of the request would allow towing businesses in the Light Industrial District in the future. Elkins advised that the site specific issues identified by Mr. Borg's comments apply to Items 28 and 29.

In response to a question, Elkins clarified that staff's recommendation states that the towing businesses are an appropriate use in the Light Industrial Zoning District.

Brown moved, Anderson seconded and unanimously carried to approve the request for a Determination of Use to allow a towing company with all towed vehicles being stored either within a building or in an area outside of a required front yard and screened with an opaque fence at least six feet in height in the Light Industrial Zoning District. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Nash, and Prairie Chicken voting yes and none voting no)

In response to a question from Olson, Elkins noted that this determination will apply to properties that are zoned Light Industrial District.

16. No. 05SR009 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract 8, Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Ploof Drive and Sheridan Lake Road.

Anderson requested clarification concerning the contents of the lease agreement between the City of Rapid City and Post 22. Anderson asked if the lease agreement contains terms of use for other baseball groups.

Joel Landeen, City Attorney's Office, indicated that he does not believe the lease agreement specifically addresses the allocation of use of the building. Anderson expressed concern regarding the use of facilities located on public property. Elkins noted that her understanding is that the lease agreement specifies that Post 22 has primary use of the facility.

LeMay entered the meeting at this time.

Elkins indicated that while there is not a process for allocation of park land, the City of Rapid City has tried to work with various interested groups to provide locations for these types of facilities. Elkins advised that the Parks and Recreation Director has begun the process to develop a Master Plan for the parks that will address a number of use and open space issues associated with the park system.

Anderson expressed concern regarding the construction of the proposed 7,000 square foot metal building on public property. Anderson noted that there is no consistent theme with the numerous structures that have been constructed on the little league fields.

Andrews moved, Prairie Chicken seconded and carried to approve the SDCL 11-6-19 Review to allow the construction of a structure on public property with the following stipulations:

- 1. Prior to Planning Commission approval, the City Council shall approve of the proposed construction on City owned Property;**
- 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 new structure;**
- 3. The required number of off-street parking stalls is hereby reduced from 1,448 to 693;**
- 4. A landscape plan shall be submitted showing a minimum of two trees located within 25 feet of the proposed structure and a minimum of 20 shrubs located along the north and east of the proposed structure;**
- 5. All applicable provisions of the International Fire Code shall be continually met; and,**
- 6. The proposed structures shall conform architecturally to the plans and elevations submitted. (6 to 1 with Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and Anderson voting no)**

Nash announced that the Public Hearings on Items 18 through 40 were opened.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 through 40 in accordance with the staff recommendations.

(7 to 0 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

The Public Hearings for Items 18 through 40 were closed.

---HEARING ITEMS CONSENT CALENDAR---

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 May 5, 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 May 5, 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 May 5, 2005 Planning

Commissssion meeting at the applicant's request.

21. No. 05CA011 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designatin on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development be continued to the April 21, 2005 Planning Commission meeting.

22. No. 05RZ008 - Section 18, T2N, R8E (Freeland Meadows Subdivision)
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the April 21, 2005 Planning Commission meeting at the applicant's request.

23. No. 05RZ014 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 S1/2, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N25°03'23"E a distance of 1436.68 feet to the point of beginning; thence N89°46'19"E a distance of 433.15 feet; thence along the arc of a curve to the left whose radius point bears N0°13'41"W, having a radius of 310.16 feet, a central angle of 18°42'55" and an arc length of 101.31 feet; thence east a distance of 3805.95 feet; thence south a distance of 1287.00 feet; thence west a distance of 1680.16 feet; thence north a distance of 208.66 feet; thence west a distance of 835.80 feet; thence south a distance of 208.66 feet; thence west a distance of 66.00 feet; thence north a distance of 208.66 feet; thence west a distance of 155.42 feet; thence N56°29'58"W a distance of 1920.16 feet to the point of beginning, containing an area of 96.1 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the April 21, 2005 Planning Commission meeting at the applicant's request.

24. No. 05RZ015 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on land located in the SE1/4 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N75°03'36"E a distance of 5120.08 feet to the point of beginning; thence east a distance of 300.00 feet; thence south a distance of 970.00 feet; thence west a distance of 300.00 feet; thence north a distance of 970.00 feet to the point of beginning, containing an area of 6.7 acres, more generally described as being located north of Country Road east of West Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the April 21, 2005 Planning Commission meeting.

25. No. 05CA012 - Fountain Springs Park Subdivision

Summary of Adoption Action 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.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

26. No. 05CA013 - Potts Subdivision

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

27. No. 05CA015 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial be continued to the May 26, 2005 Planning Commission meeting.

28. No. 05CA019 - Northside Addition

A request by Marty Jacob for MJB Company, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial be continued to the April 21, 2005 Planning Commission meeting.

29. No. 05RZ029 - Northside Addition

A request by Marty Jacob for MJB Company, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Light Industrial District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Light Industrial District be continued to the April 21, 2005 Planning Commission meeting.

30. No. 05CA020 - Section 9, T1N, R7E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the Future Land Use Designation on an approximate 6.71 acre parcel from Flood to Park Forest** on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Schambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the Future Land Use Designation on an approximate 6.71 acre parcel from Flood to Park Forest be approved.

31. No. 05RZ022 - C.H.M.H. Subdivision and Tyler Knue Subdivision

A request by Cedar Hill Corporation to consider an application for a **Rezoning from Mobile Home Residential District to Low Density Residential - II District** on two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence N89°31'59"W a distance of 275.83 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 191.11 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 52.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 85.00 feet; thence N89°31'59"W a distance of 52.00 feet; thence S00°28'01"W a distance of 85.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 49.00 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 135.67 feet; thence S89°45'08"E a distance of 19.00 feet to the point of beginning; said tract contains 3.80 acres, more or less, more generally described as lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive.

Planning Commission recommended that the Rezoning request from Mobile Home Residential District to Low Density Residential - II District be approved.

32. No. 05RZ023 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E,

BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the May 26, 2005 Planning Commission meeting.

33. No. 05RZ024 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the northern most 210 feet of the SE1/4SW1/4SW1/4; the NE1/4SW1/4SW1/4; the northern most 870 feet of the SE1/4SW1/4; the E1/2 NW1/4SW1/4; the NE1/4SW1/4; the NW1/4SE1/4; and the NE1/4SE1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the May 26, 2005 Planning Commission meeting.

34. No. 05RZ025 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the north 200 feet of Lot 1, Neffs Subdivision #3; the eastern most 440 feet and southern most 450 feet of the SW1/4SW1/4; and the southern most 450 feet of the SE1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the May 26, 2005 Planning Commission meeting.

35. No. 05RZ026 - Sections 27 and 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the SW1/4SW1/4SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the May 26, 2005

Planning Commission meeting.

36. No. 05RZ027 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the west 816 feet of the SW1/4NW1/4; the W1/2NW1/4SW1/4; and the NW1/4SW1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the May 26, 2005 Planning Commission meeting.

37. No. 05RZ030 - Stone Ridge Subdivision

A request by Dream Design International for Jul-Mar Development to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-3, Block 3, Stone Ridge Subdivision, located in the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the W1/2 of the S1/2 of Government Lot 4, located in the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Parkview Drive and Enchanted Pines Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved.

38. 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 April 21, 2005 Planning Commission meeting at the applicant's request.

39. No. 05SV019 - Section 5, T1N, R8E

A request by Sperlich Consulting, Inc. for Jim Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East St. Patrick Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 21, 2005 Planning Commission meeting at the applicant's request.

40. No. 05SV021 - Gravatt Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 21, 2005 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

41. No. 05PD004 - Schamber Subdivision

A request by Britton Engineering for Robert and Genae Sundby to consider an application for a **Planned Residential Development - Initial and Final**

Development Plan on Lot A and Lot B of Lot 14 less the north 80 feet of the east 225 feet, Schamber Subdivision, SE1/4 SE1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1626 Evergreen Drive.

Tucker advised that this item was continued at the last two Planning Commission meetings. Tucker indicated that the applicant has submitted revised drawings and expressed staff's concerns regarding the proximity of the proposed development to the existing single family residences, set backs and the proposed access road. Tucker presented the staff recommendation for denial of the Initial and Final Development Plan citing significant concerns with neighborhood compatibility and impacts. Tucker reviewed the slides and the site plan and discussed the proposed density.

In response to a question from Andrews, Robert Sundby advised that the townhomes will be approximately 1300 square feet per unit.

In response to question from Anderson, Tucker stated that the width of the proposed access is in compliance with minimum standards identified by the Fire Department.

Genae Sundby, applicant, requested that the Planning Commission approve the Initial and Final Development Plan at this time or postpone a decision on the application until the first meeting in May. Genae Sundby read detailed comments as distributed to the Planning Commission on the dais.

Steve Brendan, area property owner, expressed concern that the applicants had not contacted the area property owners personally. Brendan advised that he has as much invested in two properties located on Harmony Lane as the applicant has invested in the subject property. Brendan expressed concern that the applicant has submitted an alternative plan showing two sixteen-plexes on the subject property. Brendan discussed traffic issues around the subject property.

Clealand Basttista, area property owner, requested clarification concerning the Fire Department's comments concerning the proposed access road.

Bill Knight, Fire Department, advised that the proposed access meets the minimum required width for access. Knight advised that because the access bisects the property there is not an issue concerning the provision of an on-site turn-around.

Brendan advised that he has obtained video footage showing a furniture delivery truck parking on the wrong side of the street. Brendan noted that the video demonstrates an example of existing traffic problems in the area. Brendan expressed concern regarding the density proposed for the subject property. Brendan added that the applicant has the option to replat and sell the property to adjacent land owners. Brendan expressed concern that the proposed development would restrict other area landowners from developing their properties. Brendan requested that the application be denied.

Doug Jones, Jefferson Street resident, expressed concern that the proposed access to the subject property would likely be used as a cutoff by area children traveling to school. Jones expressed concern for the safety of area children as the high fences around the subject property will create a compound like atmosphere and will restrict visibility to the access road. Jones identified concerns related to density and traffic flows. Jones noted that all of the area residents have significant investment in their properties. Jones stated his opposition to the proposed development.

Larry Kiser, Leland Lane resident, expressed concern that the access road to the proposed development will be approximately 19 feet from the bedroom window of his home. Kiser stated that he feels the proposed development is too intense. Kiser noted concerns regarding run-off from the subject property, the location of the proposed access and the number of meetings the public has attended to speak to this issue. Kiser expressed concern that the applicant is attempting to gain approval of the request prior to adoption of the proposed Canyon Lake Overlay District.

Bobby Sundby, discussed the assessed value of the subject property noting that the development would increase area property values. Sundby clarified that that subject property is 2.74 acres in area. Sundby advised that they have requested that this issue be continued so that they can have an opportunity to work to address some of the concerns identified by staff and the area property owners.

Michael Reynolds, legal counsel for applicant, requested that the Planning Commission continue the application so that the applicant can work with the staff to address the concerns identified.

Brendan discussed area water concerns and requested that the Planning Commission deny the application at this time.

Discussion followed concerning Brendan's comments concerning the replatting and sale of the subject property to adjacent property owners.

In response to a question from LeMay, Dominicak reviewed the results of the soils report and boring noting that no geological problems were indicated in the borings. Discussion followed concerning the availability of historical information on the soils on the property and the continuing dry conditions in the area.

Rick Robertson, 3245 Harmony Lane, stated that he has lived in this area since 1973 noting that during construction on his property he hit running water between 32 and 36 inches and had to pump water for two months before he could complete construction.

Bud Johnson, Leland Lane, advised that many of the homes in the area have sump pumps. Johnson expressed concern that there would be at least thirty vehicles at the residences at the proposed density. Johnson stated his opinion that the proposed development is too intense.

Andrews noted that this property is a very difficult site to develop and

acknowledged the neighbors concerns with the proposal. Andrews indicated that he feels that the applicant should be given an opportunity to submit additional information for review.

Anderson left the meeting at this time.

In response to a question from Fast Wolf, Robert Sundby indicated that he intended to visit with the residents and discuss issues as identified.

Fast Wolf moved and Andrews seconded to continue the Planned Residential Development - Initial and Final Development Plan to the May 26, 2005 Planning Commission meeting.

Brown spoke in support of continuing the application once more to allow the applicant to work with the area property owners to address issues as identified.

The motion carried unanimously to continue the Planned Residential Development - Initial and Final Development Plan to the May 26, 2005 Planning Commission meeting. (6 to 0 with Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

42. No. 05PD013 - C.H.M.H. Subdivision and Tyler Knue Subdivision
A request by Cedar Hill Corporation to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence

N89°31'59"W a distance of 275.83 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 191.11 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 52.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 85.00 feet; thence N89°31'59"W a distance of 52.00 feet; thence S00°28'01"W a distance of 85.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 49.00 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 135.67 feet; thence S89°45'08"E a distance of 19.00 feet to the point of beginning; said tract contains 3.80 acres, more or less, more generally described as lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive.

Fisher presented the request and reviewed the slides and the staff report. Fisher identified topography on the site and discussed the requested reduction in setbacks.

Anderson returned to the meeting at this time.

Fisher reviewed staff's recommendation for approval of the Initial and Final Development Plan.

Fast Wolf left the meeting at this time.

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

- 1. A Final Plat shall be approved prior to issuance of a building permit;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;**
- 4. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 5. A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes be one story structures only or a 25 foot rear yard setback shall be provided;**
- 6. All International Fire Codes shall be met;**
- 7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Final Planned Residential Development; and,**
- 8. The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. 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 Planning Commission, or if the use as approved has ceased for two years. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken 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.

43. No. 05PD019 - Auburn Hills Subdivision

A request by Muth Homes, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 4, Block 5, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Coal Bank Drive and Auburn Drive.

Tucker presented the request and reviewed the staff report. Tucker indicated that one stipulation of approval has not been met and stated staff's recommendation that this item be continued to the April 21, 2005 Planning Commission meeting to allow time for the applicant to submit revised elevation drawings.

Brown moved, Andrews seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the April 21, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

44. No. 05PD020 - Rushmore Mall Addition

A request by Steve Hale for The Olive Garden to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 12 and 13 of the Rushmore Mall Addition in portions of Lot 1 of Tract A of the Control Data Addition and Tract D in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 160 Disk Road.

Tucker presented the request and advised that a number of the stipulations for approval have not been met. Tucker stated that staff recommends that the Initial and Final Development Plan be continued to the April 21, 2005 Planning Commission meeting to allow the applicant to revise drawings and submit additional information.

Steve Hale, agenda for applicant, advised that they are continuing to work on a couple of items primarily relating to the loading detail and a verification of setbacks.

Discussion followed concerning the proposed reduction in rear yard setbacks, the location of a pergola on the site plan, a screening wall, the landscape plan, and the need for a revised drainage analysis.

In response to a question from Nash, Tucker advised that the reduction in setbacks is addressed through the review of the Planned Development.

Fast Wolf returned to the meeting at this time.

Hale indicated that the applicant is in agreement with the proposed revisions and the stipulations of approval. Hale requested that the Planning Commission grant conditional approval of the request at this time so that construction on the project can begin as quickly as possible.

Discussion followed concerning the outstanding items that need to be submitted by the applicant for review by the staff.

Andrews, moved LeMay seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the April 21, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

45. No. 05SV023 - Brentwood Subdivision

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

Fisher advised that the applicant has requested that the Variance to the Subdivision Regulations be continued to the April 21, 2005 Planning Commission meeting.

Anderson moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sun Ridge Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 21, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

46. Discussion Items

A. Revision of Tax Increment Financing Guidelines

Elkins noted that this item has been continued on the agenda for a number of meetings. Elkins advised that if the Planning Commission recommends approval of the revisions the proposed revisions will be forward to Council for review.

In response to a question from Olson, Elkins indicated that this criteria has been developed by the City of Rapid City aside from any statutory requirements noting that the proposed revisions are in accordance with

HUD standards. Elkins added that the broader definition will allow more people to qualify for the affordable housing. Discussion followed.

Andrews moved, Anderson seconded and unanimously carried to recommend approval of the revisions to the Tax Increment Financing Guidelines. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

B. Canyon Lake Overlay Proposed Ordinance

Elkins advised that the revised draft of the proposed Ordinance as attached is the result of public comments received from Canyon Lake area residents. Elkins noted that staff recommends that the Planning Commission authorize staff to advertise for a public hearing on the proposed Canyon Lake Overlay Ordinance. Elkins noted that the area residents would be notified of the public hearing by post card.

Karen Olson, indicated that she feels the proposed Overlay is good for the Canyon Lake neighborhood. Olson stated that the residents of this area have a strong neighborhood relationship and like the area and the proximity to the school. Olson added that she feels the Canyon Lake Overlay will help to preserve the residential character of this neighborhood.

Nash and Andrews spoke in support of the proposed Canyon Lake Overlay.

Discussion followed concerning scheduling a special Planning Commission meeting to consider the proposed ordinance.

Brown moved, Andrews seconded and unanimously carried to authorize staff to advertise for public hearing to consider the draft Canyon Lake Overlay Ordinance with the provision that an evening meeting be scheduled for 6:00 p.m. at the City School Administration Center. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

C. Amendments to the Future Land Use Plan – Portion of a Comprehensive Plan

Elkins noted that this discussion item is the result of a written request from Pat Hahn for consideration to restructure the Comprehensive Plan Amendment process to limit revisions to the Comprehensive Plan to an annual or semi-annual basis. Elkins advised that the Future Land Use Committee reviewed the request and recommends that the current Comprehensive Plan Amendment process remain in place.

Prairie Chicken moved, LeMay seconded and unanimously carried to direct staff to continue the current Comprehensive Plan Amendment review process. (7 to 0 with Anderson, Andrews, Brown, Fast Wolf,

LeMay, Nash, and Prairie Chicken voting yes and none voting no)

D. Public Utilities Commission Letter – Update

Elkins advised the Planning Commission that the Public Utilities Commission has not responded to the letter that was sent to them concerning noise issues associated with the utility substation intertie. Elkins requested direction from the Planning Commission concerning further contact with the Public Utilities Commission regarding this issue.

Discussion followed concerning the status of the noise level at the utility substation intertie, Pennington County's position on the issue and the lack of a response from the Public Utilities Commission.

LeMay advised that he would abstain from voting on this item.

Brown moved and Andrews seconded to request the City Council write a letter to the Public Utilities Commission concerning the noise issue at the utility substation intertie.

Olson suggested that the item be placed on the Public Works Agenda.

It was suggested that the staff contact the County Commission to see if the County would be willing to write a letter to the Public Utilities Commission.

The motion carried to request the City Council write a letter to the Public Utilities Commission concerning the noise issue at the utility substation intertie. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Nash, and Prairie Chicken voting yes, none voting no and LeMay abstaining)

E. Review and Prioritization of Projects

Elkins advised that as a result of reduced staffing levels, this information will be provided to the Planning Commission at a later date.

47. Staff Items

Elkins advised that two new clerical staff, Carol Bjornstad and Beate Stucke begin work in the Growth Management Department on Monday. Elkins thanked Ficken, Sharlene Mitchell, Nadine Bauer, Jeanne Nicholson and all of the clerical staff for their hard work to cover the vacant positions.

48. Planning Commission Items

Discussion followed concerning Planning Commission vacancies.

Prairie Chicken thanked and acknowledged Fast Wolf and Hadcock for

their work to make recommendations to the 2012 Committee.

There being no further business, Prairie Chicken moved, Andrews seconded and unanimously carried to adjourn the meeting at 8:41 a.m.