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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 7, 2001

MEMBERS PRESENT: Pam Lang, Mel Prairie Chicken, Vivian Jorgenson, Dawn Mashek, Dave Parker, Robert Scull, Bob Wall, and Stuart Wevik. Alan Hanks, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Lisa Seaman, Bill Lass, Bill Knight, Kenn Shave, Dave Johnson, Nadine Bauer and Risë Ficken

Chairperson Lang called the meeting to order at 7:00 a.m.

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

Staff requested that Items 17-25 and 27 be removed from the Consent Agenda for separate consideration. Wall requested that Items 31, 32 and 33 be removed from the Consent Agenda for separate consideration. Lang requested that Item 39 be removed from the Consent Agenda for separate consideration. A member of the audience requested that Item 39 be removed from the Consent Agenda for separate consideration.

Wevik moved, Scull seconded and carried unanimously to recommend approval of the Consent Agenda Items 1 through 40 in accordance with the staff recommendations with the exception of Items 17-25, 27, 31-22, 36 and 39. (8 to 0)

1. Approval of the May 24, 2001 Planning Commission Meeting Minutes.
2. No. 00PD057 - Walpole Heights Subdivision  
A request by SDC, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to allow a motel and restaurant** on Tract A Revised, Tract C Revised and Tract D, Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2710 Mount Rushmore Road.  
  
**Planning Commission recommended that the Major Amendment to a Planned Commercial Development be continued to the June 21, 2001 Planning Commission meeting.**
3. No. 01OA004 - Ordinance Amendment  
A request by City of Rapid City to consider an application for an Ordinance amending Chapter 15.40 of the Rapid City Municipal Code by: setting forth definitions for "retaining wall" and "height"; by allowing fences and walls to be constructed on top of retaining walls in certain zoning districts and according to certain requirements; and, by requiring guard rails on top of retaining walls as required by the Building Code.

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**Planning Commission recommended that the Ordinance Amendment regarding fencing and retaining walls be approved.**

4. No. 01PL019 - Devine Subdivision

A request by Doug Sperlich for Jeffrey L. Devine to consider an application for a **Layout Plat** on Lots 1 and 2 of Devine Subdivision (formerly Tract B less Lot H1 of Tract B) located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of intersection of Cambell Street and Philadelphia Street.

**Planning Commission recommended that the Layout Plat be denied at the applicant's request.**

5. No. 01RZ008 - Section 17, 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 Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4302 S. Highway 79.

**Planning Commission recommended approval of the Rezoning from No Use District to General Commercial District in conjunction with a Planned Development Designation and an amendment to the Comprehensive Plan.**

6. No. 01PD012 - Section 17, T1N, R8E

A request by City of Rapid City to consider an application for a **Planned Development Designation** on Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4302 S. Highway 79.

**Planning Commission recommended that the Planned Development Designation be approved contingent on the approval of the associated rezoning from No Use District to General Commercial District and the approval of the amendment of the Comprehensive Plan from Agricultural Land Use to General Commercial Land Use.**

7. No. 01CA010 - Section 17, T1N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation on a .60 acre parcel from Agricultural Land Use designation to General Commercial Land Use designation** on Lot C of the NW1/4 SW1/4 less right of way, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4302 S. Highway 79.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation on a .60 acre parcel from Agricultural Land Use designation to Commercial Land Use designation be approved.**

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8. No. 01PL024 - Trailwood Village Subdivision

A request by Renner & Sperlich Engineering for Gordon Howie to consider an application for a **Layout, Preliminary and Final Plat** on Lot A, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Covington Street and O'Brien Street.

**Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting.**

9. No. 01PL032 - Trailwood Village

A request by Renner & Sperlich Engineering for Gordon Howie to consider an application for a **Preliminary and Final Plat** on Lot B1 of Trailwood Village (formerly a portion of Tract T of Trailwood Village) located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 300 feet north of the intersection of East Highway 44 and Covington Street.

**Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting.**

10. No. 01UR021 - Sheridan Park Subdivision

A request by Moyle Petroleum Company to consider an application for a **Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code** on Lot 1 of Sheridan Park Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2808 Sheridan Lake Road.

**Planning Commission recommended that the Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. That no fill or grading shall be allowed in the major drainage easement located in the northeast corner of the property;

**Building Inspection Department Recommendations:**

2. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

**Urban Planning Division Recommendations:**

3. Prior to City Council approval the required screening fence shall be constructed or surety posted in the amount necessary to cover the cost of the screening fence; and,
4. The Use on Review approval 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.

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11. No. 01UR020 - Cloverdale Subdivision

A request by Lawrence Lynde to consider an application for a **Use on Review to allow a garage in excess of 1000 square feet** on Lot 8, Block 9, Cloverdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2210 Hoefer Avenue.

**Planning Commission recommended that the Use on Review to allow a garage in excess of 1000 square feet be continued to the June 21, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

12. No. 01PL033 - Old Rodeo Subdivision

A request by Renner & Sperlich Engineering for Gustafson Builders to consider an application for a **Preliminary and Final Plat** on Lot 2 of Old Rodeo Subdivision located in the N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located one quarter mile south of South Highway 16 and Catron Boulevard.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting.**

13. No. 01PL038 - Lamb Subdivision

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of Reservoir Road and S.D. Highway 44.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 01PL039 - Murphy Ranch Estates

A request by Ron & Mary Ann Davis to consider an application for a **Layout Plat** on Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Reservoir Road and Long View Drive on the south side of Long View Drive.

**Planning Commission recommended that the Layout Plat be continued to the July 5, 2001 Planning Commission meeting to allow the petitioner to submit a revised Layout Plat.**

15. No. 01VR002 - Section 5, T1S, R7E

A request by Gary Renner for Larry Teuber to consider an application for a **Vacation of Right Of Way** on right-of-way located in Government Lot 3 and Government Lot 4, Section 5, T1S, R7E, BHM, Pennington County, South

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Dakota, more generally described as being located approximately 1 1/2 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

**Planning Commission recommended that the Vacation of Right-Of-Way be continued to the July 5, 2001 Planning Commission meeting to allow the request to be considered at the same time as the proposed Layout Plat.**

16. No. 01PL040 - Spring Canyon Estates

A request by Gary Renner for Larry Teuber to consider an application for a **Layout Plat** on Lot A Revised of Block 2 and Lots 1R, 6R and 7R of Block 3 of Spring Canyon Estates (Lot A Revised of Block 2: formerly Lot A of Lot 1 of Revision No. 1 of Block 2 and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2; Lot 1R: formerly Lot 1 of Block 3 and Vacated Right-Of-Way Lot 6R: formerly Lot 6 of Block 3 and a portion of Vacated Right-Of-Way and a portion of Lot B and Lot 1 of Revision No. 1 of Block 2; Lot 7R: formerly Lot 7 of Block 3 and a portion of Vacated Right-Of-Way and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2, all located in Spring Canyon Estates) located in Government Lot 3 and Government Lot 4, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1 and 1/2 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

**Planning Commission recommended that this Layout Plat be continued to the July 5, 2001 Planning Commission meeting to allow the petitioner to submit the additional required information.**

26. No. 01PL046 - Plum Creek: Phase I

A request by Centerline for Double E, LLC to consider an application for a **Final Plat** on Lots 1 thru 4 of Block 1; and R.O.W. of Willowbend Road, Willowbend Place, and temporary ingress egress easement located in the N1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Willowbend Road and Willowbend Place.

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

**Engineering Division Recommendations:**

1. **The Special Exception request to allow curb-side sidewalk along Willowbend Road is hereby denied. The sidewalk shall be constructed as indicated in the approved subdivision plans.**
2. **The Special Exception request to allow property-line sidewalk, roll-over curb and gutter, and on-street parking on Willowbend Place is hereby granted provided the petitioner complies with the following: a) Provides revised drainage calculations documenting that the roll-over curb and gutter will accommodate required drainage flows; b) Provides financial surety for all necessary regulatory signage; and c) Revises the subdivision plans to reflect the property-line sidewalk.**

**Fire Department Recommendations:**

3. **Prior to City Council approval of the Final Plat, all required temporary**

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**turn-arounds shall be constructed;**

**Emergency Services Dispatch Center Recommendations:**

- 4. Prior to City Council approval of the Final Plat, a street name other than "Willowbend Place" shall be submitted and approved;**

**Urban Planning Division Recommendations:**

- 5. The required Subdivision Improvements Estimate form shall be submitted for review and approval;**
  - 6. The required Subdivision Inspection fees shall be paid;**
  - 7. All subdivision improvements shall be completed or financial surety shall be posted by the petitioner in a form to be approved by the City Attorney in an amount sufficient to cover the cost of the incomplete improvements. The off-site improvements to South Valley Drive are included in the required subdivision improvements; and,**
  - 8. Prior to Final Plat approval, the plat shall be revised to include the acreages of the four lots.**
28. No. 01AN007 - Tyler Knue Subdivision

A request by FMG for William Freytag to consider an application for a **Petition for Annexation** on a tract of land located in the NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 6119 which is the northwest corner of Lot 9 of Block One of Tyler Knue Subdivision in NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°16'55"E a distance of 77.12', more or less, to a point; Thence N13°44'34"W a distance of 107.66', more or less, to a point; Thence S66°12'08"W a distance of 303.51', more or less, to a point; Thence N89°32'23"W a distance of 279.98', more or less, to a point; Thence N00°27'37"E a distance of 121.67', more or less, to a point; Thence N45°26'14"E a distance of 159.30', more or less, to a point; Thence S44°33'46"E a distance of 12.36', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00' and an arc length of 57.47', more or less, to a point; Thence N45°57'12"E a distance of 54.45', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00' and an arc length of 47.61', more or less, to a point; Thence N14°08'42"E a distance of 198.01', more or less, to a point; Thence N66°41'34"E a distance of 83.60', more or less, to a point; Thence N89°50'49"E a distance of 60.59', more or less, to a point; Thence S89°48'39"E a distance of 205.71', more or less, to a point; Thence N00°18'52"E a distance of 132.00', more or less, to a point; Thence S89°41'08"E a distance of 52.00', more or less, to a point; Thence S00°18'52"W a distance of 119.00', more or less, to a point; Thence S89°41'08"E a distance of 135.00', more or less, to a point; Thence S00°18'52"W a distance of 147.34', more or less, to a point; Thence southeasterly on a curve to the right with a radius of 124.00' and an arc length of 71.73', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 176.00' and an arc length of 68.03', more or less, to a point; Thence S00°16'55"W a distance of 249.47', more or less, to a Property Corner with LS Cap 4225 which is the NE corner of Lot 18 of Block 3 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 135.00', more or less, along the north property line of Lot 18 of Block 3 of Tyler Knue Subdivision, to a Property Corner with LS Cap 6119 which is the NW corner of Lot 18 of Block 3 of Tyler

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Knue Subdivision; Thence N89°43'05"W a distance of 52.00', more or less, to a Property Corner with LS Cap 6119 which is the NE corner of Lot 9 of Block 1 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 170.00' along the north property line of Lot 9 of Block 1 of Tyler Knue Subdivision, more or less, to the Point of Beginning, more generally described as being located west of Mall Ridge.

**Planning Commission recommended that the Petition for Annexation, an area of 7.539 acres, more or less, be approved for annexation with the following stipulation:**

**Planning Department Recommendations:**

- 1. That prior to City Council approval of the annexation, any required debt be paid to the North Haines Volunteer Fire Department in accordance with SDCL 31-31A-35.**

29. No. 01RZ026 - Tyler Knue Subdivision

A request by FMG for William Freytag to consider an application for a **Rezoning from No Use District to Low Density Residential-II District** on a tract of land located in the NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 6119 which is the northwest corner of Lot 9 of Block One of Tyler Knue Subdivision in NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°16'55"E a distance of 77.12', more or less, to a point; Thence N13°44'34"W a distance of 107.66', more or less, to a point; Thence S66°12'08"W a distance of 303.51', more or less, to a point; Thence N89°32'23"W a distance of 279.98', more or less, to a point; Thence N00°27'37"E a distance of 121.67', more or less, to a point; Thence N45°26'14"E a distance of 159.30', more or less, to a point; Thence S44°33'46"E a distance of 12.36', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00' and an arc length of 57.47', more or less, to a point; Thence N45°57'12"E a distance of 54.45', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00' and an arc length of 47.61', more or less, to a point; Thence N14°08'42"E a distance of 198.01', more or less, to a point; Thence N66°41'34"E a distance of 83.60', more or less, to a point; Thence N89°50'49"E a distance of 60.59', more or less, to a point; Thence S89°48'39"E a distance of 205.71', more or less, to a point; Thence N00°18'52"E a distance of 132.00', more or less, to a point; Thence S89°41'08"E a distance of 52.00', more or less, to a point; Thence S00°18'52"W a distance of 119.00', more or less, to a point; Thence S89°41'08"E a distance of 135.00', more or less, to a point; Thence S00°18'52"W a distance of 147.34', more or less, to a point; Thence southeasterly on a curve to the right with a radius of 124.00' and an arc length of 71.73', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 176.00' and an arc length of 68.03', more or less, to a point; Thence S00°16'55"W a distance of 249.47', more or less, to a Property Corner with LS Cap 4225 which is the NE corner of Lot 18 of Block 3 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 135.00', more or less, along the north property line of Lot 18 of Block 3 of Tyler Knue Subdivision, to a Property Corner with LS Cap 6119 which is the NW corner of Lot 18 of Block 3 of Tyler Knue

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Subdivision; Thence N89°43'05"W a distance of 52.00', more or less, to a Property Corner with LS Cap 6119 which is the NE corner of Lot 9 of Block 1 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 170.00' along the north property line of Lot 9 of Block 1 of Tyler Knue Subdivision, more or less, to the Point of Beginning, more generally described as being located west of Mall Ridge.

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

30. No. 01PL041 - Tyler Knue Subdivision

A request by FMG for William Freytag to consider an application for a **Final Plat** on Lots 10 through 22 of Block 1, Lots 19 through 23 of Block 3, Lots 1 through 5 of Block 4, Lot 1 of Block 5 of Tyler Knue Subdivision and dedicated public right-of-way all located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Mall Ridge.

**Planning Commission recommended that the Final Plat be approved with the stipulation that the following requirements be met prior to City Council approval:**

**Engineering Division Recommendations:**

1. The required Subdivision Improvements Estimate form shall be submitted for review and approval;
2. The required Subdivision Inspection fees shall be paid;
3. All subdivision improvements shall be completed or financial surety shall be posted by the petitioner in a form to be approved by the City Attorney in an amount sufficient to cover the cost of the incomplete improvements; and,

**Fire Department Recommendations:**

4. A temporary turn-around meeting City standards shall be constructed at the west end of Nicole Street.

34. No. 01PD024 - SSJE Subdivision

A request by Auto Body Crafters, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 5, SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Jess Street.

**Planning Commission recommended that the Major Amendment to a Planned Commercial Development to revise the sign package be approved with the following stipulations:**

**Building Inspection Department Recommendations:**

1. That no off premise signs shall be allowed on the property;
2. All provisions of the Rapid City Sign Code shall be continually met; and,

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**Urban Planning Division Recommendations:**

3. All previous conditions of approval for the Final Commercial Development Plan #00PD020 shall be continually met with the exception of the following revised sign package:
- a. A 45 inch X 38 foot back lit awning with 24 inch letters and a 4 foot by 6 foot wall mounted sign shall be allowed on the south side of the building;
  - b. A 4 foot X 6 foot wall mounted sign and 3 foot X 51.5 foot pan channel letters shall be allowed on the west side of the building; and,
  - c. An 8 foot X 10 foot double face pole sign with a minimum ground clearance of 12 feet and a maximum height of 42 feet shall be allowed in the southwest corner of the property. The proposed pole sign shall be located outside of the existing utility easement. The signs shall incorporate the same color design as the structure and shall be lighted.

35. No. 01UR025 - Providence Addition

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot A, Block 12, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago.

**Planning Commission recommended that the Use On Review to allow a communication tower in the General Commercial Zoning District be continued to the June 21, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

37. No. 01UR027 - Section 29, T2N, R7E

A request by M & K Consulting for Western Wireless Corp to consider an application for a **Use On Review to allow a communication tower in the General Agriculture Zoning District** on the W1/2 NE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between St. Martins Drive and Hidden Valley Road west of S.D. Highway 79.

**Planning Commission recommended that the Use On Review to allow a communication tower in the General Agriculture Zoning District be continued to the June 21, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

38. No. 01UR028 - Original Town of Rapid City

A request by Joe Mustard for Native American Heritage Association to consider an application for a **Use On Review to allow a Mission in the Central Business District** on Lots 1-7, Block 96, Original Town of Rapid City, Section T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 Saint Joseph Street.

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**Planning Commission recommended that the Use On Review to allow a Mission in the Central Business District be continued to the June 21, 2001 Planning Commission meeting to allow the applicant time to provide additional required information.**

40. No. 01CA012 - Section 11, T1N, R7E (Skyline Pines East)

A request by Wyss Associates, Inc. for W.E.B. Partners to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation on a 35.34 acre parcel from Limited Agriculture, Agriculture, Forest to Residential** on property described by metes and bounds beginning from a point 973.88 feet at a bearing S 89° 39' 0" East from the NW corner of SE1/4 of Section 11, Township 1 North, Range 7 East, Black Hills Meridian, travel 1363.79 feet at a bearing S 89° 39' 0" East, then travel 107.83 feet at a bearing S 57° 14' 9" West, then travel 63 feet at a bearing S 38° 41' 0" West, then travel 89 feet at a bearing S 68° 55' 0" West, then travel 47 feet at a bearing S 54° 43' 0" West, then travel 95 feet at a bearing S 47° 3' 0" West, then travel 77 feet at a bearing S 69° 31' 0" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 254.50 feet at a bearing S 45° 26' 11" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 161.87 feet at a bearing S 55° 19' 7" West, then travel 138.89 feet along a 270 foot RHF curve with a chord bearing of S 40° 34' 54" West, then travel 439.52 feet at a bearing N 45° West, then travel 248.58 feet at a bearing N 85° 49' 37" West, then travel 65.15 feet at a bearing West, then travel 392.28 feet at a bearing N 0° 21' 0" East to the point of start, and from a point 310.41 feet North and 1708.11 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, Township 1 North, Range 7 East of Black Hills Meridian, travel 100.82 feet at a bearing N 22° 2' 42" West, then travel 256.55 feet along a LHF curve with a radius of 190 feet and a chord bearing N 16° 38' 12" East, then travel 161.187 feet at a bearing N 55° 19' 7" East, then travel 187.59 feet at a bearing S 34° 35' 20" East, then travel 300.07 feet at a bearing S 45° West, then travel 74.01 feet at a bearing S 51° 4' 20" West to the point of start, and From a point 921.75 feet North and 1044.68 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, Township 1 North, Range 7 East of Black Hills Meridian, travel 248.58 feet at a bearing S 85° 49'37" East, then travel 129.8 feet at a bearing South, then travel 319.54 feet at a bearing S 50° 52' 56" West, then travel 349.50 feet at a bearing North to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, property described by metes and bounds beginning from a point 597.31 feet at a bearing S 89° 39' 0" East from the SW corner of NW1/4 of SE1/4 of Section 11, Township 1 North, Range 7 East, Black Hills Meridian, travel 504.33 feet at a bearing N 62° 30' 29" East, then travel 343.09 feet at a bearing North, then travel 319.54 feet at a bearing N 50° 52'56" East, then travel 129.80 feet at a bearing North, then travel 439.52 feet at a bearing S 45° East, then travel 225.67 feet along a 270 foot radius curve RHF, chord bearing S 1° 53' 59" West, then travel 414.87 feet at a bearing S 22° 2' 42" East, then travel 1154.56 feet at a bearing N 89° 39' 0" West to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

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**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation on a 35.34 acre parcel from Limited Agriculture, Agriculture, Forest to Residential be continued to the June 21, 2001 Planning Commission meeting to allow time for the applicant to submit a revised legal description.**

**---END OF CONSENT CALENDAR; BEGINNING OF REGULAR AGENDA ITEMS---**

Fisher requested that Items 17 and 18 be considered concurrently.

17. No. 01PL042 - Terracita Highlights - Phase IV  
A request by Fisk Land Surveying for Builders Preferred to consider an application for a **Preliminary and Final Plat** on Lots 9 through 24 and Lot 26R in Block 2 of Terracita Highlights Subdivision and dedicated right-of-way located in the S1/2 NE1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of City View Drive.
  
18. No. 01PL043 - Terracita Highlights - Phase IIA  
A request by Fisk Land Surveying for Builders Preferred to consider an application for a **Lot Split** on Lots A, B, C and D of Lot 18 of Block 1 of Terracita Highlights Subdivision formerly all of Lot 18 of Block 1 of Terracita Highlights Subdivision, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of City View Drive and Fox Run Drive.

Fisher advised that staff recommends that Items 17 and 18 be continued to the June 21, 2001 Planning Commission meeting to allow the applicant to meet the conditions of approval.

**Wevik moved and Parker seconded to recommend that Plat No. 01PL042 and Plat No. 01PL043 be continued to the June 21, 2001 Planning Commission meeting.**

Renee Catron, Builders Preferred, discussed drainage calculations for the property identified in Plat No. 01PL043.

Warren Fisk, engineer for applicant, identified how drainage would be distributed on the site.

Randy Nelson, Engineering Division, indicated that additional information was requested for this property so that staff could adequately evaluate drainage impacts created by steep slopes and the density of the development.

Elkins noted that the applicant is agreeable to continuing Plat No. 01PL042 to the June 21, 2001 Planning Commission meeting.

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**The motion was amended by Wevik and accepted by Parker and unanimously carried to recommend that Plat No. 01PL042 be continued to the June 21, 2001 Planning Commission meeting. (8 to 0)**

Fisk advised that some of the requested information was submitted yesterday afternoon and the rest of the information could be submitted by this afternoon.

Discussion followed concerning amending conditions 2 and 3 to reflect that the required information shall be provided prior to City Council approval.

**Jorgenson moved and Wevik seconded to recommend that the Lot Split be approved as a Preliminary and Final Plat with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to Final Plat approval by the City Council, the plat shall be revised to show an access easement across Lot C to serve as access to Lot D;**
- 2. Prior to Preliminary Plat approval by the City Council, a grading plan and geotechnical information shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a drainage plan addressing on-site drainage shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval;**

**Urban Planning Division Recommendations:**

- 5. Prior to Final Plat approval by the City Council, the Terracita Highlights Residential Development Plan shall be amended to allow a sign on Lot D or the plat shall be revised to eliminate the sign easement;**
- 6. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
- 7. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**

Garry McKinnon, property owner, requested that the Planning Commission forward the application to the City Council with a recommendation for approval at the June 18, 2001 City Council meeting.

In response to a question from Wall, Fisk advised that the sign easement has been eliminated from the plat.

**The motion unanimously carried to recommend that the Lot Split be approved as a Preliminary and Final Plat with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to Final Plat approval by the City Council, the plat shall be revised to show an access easement across Lot C to serve as access to Lot D;**
- 2. Prior to Preliminary Plat approval by the City Council, a grading plan**

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and geotechnical information shall be submitted for review and approval;

3. **Prior to Preliminary Plat approval by the City Council, a drainage plan addressing on-site drainage shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval;**

**Urban Planning Division Recommendations:**

5. **Prior to Final Plat approval by the City Council, the Terracita Highlights Residential Development Plan shall be amended to allow a sign on Lot D or the plat shall be revised to eliminate the sign easement;**
6. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
7. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (8 to 0)**

Fisher requested that Items 19-23 be considered concurrently.

19. **No. 01SV009 - Squirrely Acres Subdivision**

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit** on Lots 1-4 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

20. **No. 01PL047 - Squirrely Acres Subdivision**

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Layout Plat** on Lot 4 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

21. **No. 01PL044 - Squirrely Acres Subdivision**

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

22. **No. 01RZ024 - Squirrely Acres Subdivision**

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Rezoning from General Agriculture District to Park Forest District** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and

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coincident with the ¼ Section Line; Thence, westerly along the ¼ Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the ¼ Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, more generally described as being located at 5501 Berglund Road.

23. No. 01RZ025 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the ¼ Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins advised that the applicant has requested that Items 19-23 be continued to the July 5, 2001 PC meeting.

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**Scull moved, Wall seconded and unanimously carried to continue 01SV009, 01PL044, 01PL047, 01RZ024, and 01RZ025 to the July 5, 2001 Planning Commission meeting at the applicant's request. (8 to 0)**

24. No. 01PD026 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Planned Residential Development - Initial Development Plan** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the 1/4 Section Line; Thence, easterly along said 1/4 Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said 1/4 Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins advised that the applicant has requested that the Initial Development Plan be denied without prejudice so that a Planned Development Designation can be submitted for the property.

**Wall moved, Mashek seconded and unanimously carried to recommend that the Initial Development Plan be denied without prejudice at the applicant's request. (8 to 0)**

25. No. 01PD027 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Planned Residential Development - Initial Development Plan** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, westerly along the 1/4 Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the 1/4 Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00

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seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the 1/4 Section Line; Thence, easterly along said 1/4 Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said 1/4 Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins indicated that staff recommends that the Planned Residential Development be continued to the July 5, 2001 Planning Commission meeting to be considered concurrently with the associated applications for this property.

**Wevik moved, Wall seconded and unanimously carried to recommend that the Planned Residential Development - Initial Development Plan be continued to the July 5, 2001 Planning Commission meeting.**

27. No. 01PL048 - Elks Country Estates  
A request by Doug Sperlich for Dennis Zandstra to consider an application for a **Preliminary and Final Plat** on Lot 2R of Block 9 of Elks Country Estates (formerly Lot 2 of Block 9 of Elks Country Estates and a portion of Tract 1 of the E1/2 of Section 16) located in E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Willowbend Road and Crosswater Drive.

Fisher stated that staff recommends that the Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting to allow the applicant to meet the stipulations of approval.

**Scull moved, Parker seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the June 21, 2001 Planning Commission meeting. (8 to 0)**

Wall requested that Items 31, 32 and 33 be considered concurrently.

31. No. 01PL045 - Robbinsdale Addition No. 10  
A request by Doug Sperlich for Pat Tlustos to consider an application for a **Preliminary and Final Plat** on Lot 2R of Block 28 of Robbinsdale Addition No. 10 (formerly Lot 2 of Block 28, Lot 2R of Block 17 and a portion of Tract C all in Robbinsdale Addition No. 10) located in the NE1/4 of the SW1/4 and in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington

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County, South Dakota, more generally described as being located at the western end of Anamaria Drive.

32. No. 01RZ023 - Robbinsdale Addition No. 10

A request by Doug Sperlich for Pat Tlustos to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on a portion of Tract C of Robbinsdale Addition No. 10 located in the NE1/4 of NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2 of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale No. 10, said point being an angle point of said Tract C of Robbinsdale Addition No. 10, and the Point of Beginning; Thence, first course: N73°18'00"E, along the boundary common to said Tract C, and said Lot 2 of Block 28, a distance of 125.00 feet; Thence, second course: N03°34'00"E, along the boundary common to said Tract C, and said Lot 2 of Block 28, a distance of 66.68 feet, to the corner common to said Lot 2 of Block 28, said Tract C, and Lot 2R of Block 17 of Robbinsdale Addition No. 10; Thence, third course: N44°15'12"E, along the boundary common to said Lot 2R of Block 17, and said Tract C, a distance of 136.45 feet, to the corner common to said Lot 2R of Block 17, Lot 1R of Block 17, and said Tract C; Thence, fourth course: S36°32'40"E, along the boundary common to said Tract C, and said Lot 1R of Block 17, a distance of 75.98 feet; Thence, fifth course: S44°15'12"W, a distance of 200.49 feet; Thence, sixth course: S73°18'00"W, a distance of 149.57 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract C; Thence, seventh course: N21°40'00"E, along the boundary common to said Lot 3 of Block 28, and said Tract C, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2 of Block 28, and the Point of Beginning; Said Parcel contains 18,367 square feet or 0.422 acres more or less, more generally described as being located at the western end of Anamaria Drive.

33. No. 01PD023 - Robbinsdale Addition No. 10

A request by Doug Sperlich for Pat Tlustos to consider an application for a **Major Amendment to a Planned Commercial Development to increase the boundaries** on Lot 2R of Block 28 of Robbinsdale Addition No. 10 (formerly Lot 2 of Block 28, Lot 2R of Block 17 and a portion of Tract C all in Robbinsdale Addition No. 10) located in the NE1/4 of the SW1/4 and in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western end of Anamaria Drive.

Wall expressed concern with the traffic, noise and site issues that are often associated with the encroachment of commercial development into residential areas. He indicated that he feels the increasing number of amendments to the Comprehensive Plan defeats the purpose of the Future Land Use Plan as adopted.

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In response to a question from Scull, Fisher indicated that the sign has been posted on the property, the certified notices have been mailed, and one written comment has been received concerning the application.

Discussion followed concerning the topographic transition between the office commercial and residential uses.

**Wevik moved, Mashek seconded and unanimously carried to recommend that the Preliminary and Final Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, geotechnical information including information regarding the retaining wall proposed to be constructed along the south lot line shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, a drainage plan, designed in accordance with the South Robbinsdale Drainage Basin Plan, shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval. The plan shall include the location of water, sewer, gas, electric, telephone and cable;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to show an eight foot utility easement along all lot lines;

**Fire Department Recommendation:**

6. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

**Urban Planning Division Recommendations:**

7. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
8. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid;

**to recommend that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with the Major Amendment to the Planned Commercial Development and contingent upon a Comprehensive Plan Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan being approved prior to approval of the second reading of the rezoning request by the City Council; and,**

**to recommend that the Major Amendment to a Planned Commercial Development to increase the boundaries be approved in conjunction with the associated rezoning request with the following stipulations:**

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**Engineering Division Recommendations:**

1. Prior to City Council approval, a grading plan for the future expansion of the parking lot shall be submitted for review and approval;
2. Prior to City Council approval, geotechnical information including information regarding the retaining wall proposed to be constructed along the south lot line shall be submitted for review and approval;
3. Prior to City Council approval, a drainage plan designed in accordance with the South Robbinsdale Drainage Basin Plan shall be submitted for review and approval. In addition, drainage basin fees shall be paid prior to issuance of a building permit;
4. Prior to City Council approval, a utility plan shall be submitted for review and approval. The plan shall include the location of water, sewer, gas, electric, telephone and cable improvements;
5. Prior to issuance of a building permit for the parking lot expansion, provisions to prevent tracking of mud onto Annamaria Street during construction shall be submitted for review and approval;
6. Prior to City Council approval of the Final Development Plan, the Final Plat shall be approved;

**Fire Department Recommendation:**

7. Prior to City Council approval, the site plan shall be revised to show an emergency turnaround at the west end of the parking lot;
8. Prior to City Council approval, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

**Air Quality Recommendation:**

9. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

**Building Inspection Division Recommendations:**

10. A building permit shall be obtained prior to any additional construction and a Certificate of Occupancy shall be obtained prior to occupancy;
11. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;

**Urban Planning Division Recommendations:**

12. Prior to City Council approval, a Comprehensive Plan Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan shall be approved to allow office commercial land uses;
13. The Major Amendment to the Planned Commercial Development shall allow for 27 additional parking spaces to be constructed as shown on the applicant's site plan; and,
14. All previous conditions of approval for the Black Hills Imaging Center Planned Commercial Development shall be continually met. (8 to 0)

36. No. 01UR026 - McMahon Industrial Park No. 2

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot 2, Block 9, McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South

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Dakota, more generally described as being located at 3060 Haines Avenue - Duffield Construction Shop.

Paul Evans, McMahon Investment Company, advised that he owns a significant amount of property near the proposed tower site. He expressed concern that the tower would diminish the value of the nearby proposed residential development. He requested an opportunity to meet with staff and the applicant to discuss the proposal.

Elkins advised that staff would have an opportunity to meet with Mr. Evans to discuss the Use On Review request between now and the June 21, 2001 Planning Commission meeting.

**Wall moved, Scull seconded and unanimously carried to recommend that the Use On Review to allow a communication tower in the General Commercial Zoning District be continued to the June 21, 2001 Planning Commission meeting to allow the applicant time to submit additional required information. (8 to 0)**

39. No. 01RZ027 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a tract of land located in the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Beginning at the Northwest corner of the NE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, thence S0°01'18"W a distance of 233.36 feet along the 1/16 line, to the point of beginning; thence, S11°16'08"E a distance of 329.83 feet; thence, S15°31'41"E a distance of 177.40 feet; thence, along a circular curve to the left with a radius of 1644.56 feet a distance of 292.92 feet, thence, S25°40'52"E a distance of 661.18 feet to the north right-of-way line of Sheridan Lake Road; thence, following the north right-of-way line of Sheridan Lake Road along a circular curve to the left with a radius of 1472.39 feet a distance of 286.48 feet, thence, S70°30'23"W a distance of 238.20 feet; thence, N0°00'27"W a distance of 417.58 feet; thence, N0°01'18"E a distance of 1094.65 feet to the point of beginning. The above described property is located in the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, and contains 7.244 acres, more or less, more generally described as being located at the northeast corner of the intersection of Muirfield Drive and Sheridan Lake Road.

**Lang advised that she would abstain from voting on this item as she lives in the vicinity.**

**Scull moved, Wall seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agriculture District be approved. (7 to 0 with Lang abstaining)**

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41. No. 01UR024 - Baken Park Shopping Center - Section 3, T1N, R7E

A request by Dream Design International to consider an application for a **Use On Review to allow an on-sale liquor establishment** on Lots D-G of Lot 1 less Lot H and less highway right-of-way, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 Mountain View Road.

Elkins stated that additional research indicated that the request was properly advertised and she noted that a revised staff report was provided for Planning Commission review.

Seaman presented the request and reviewed the staff report and slides. She recommended that the Use On Review be approved with stipulations as outlined in the revised staff report.

In response to a question from Scull, Seaman identified existing on-sale liquor establishments in the general vicinity of the subject property. She indicated that the liquor license for the property will be transferred from Cruiser's Casino on Jackson Boulevard.

Discussion followed regarding undue concentration, the requirements for on-sale liquor establishments adjacent to gasoline retail locations, parking calculations, and the potential need for closing two accesses to the property.

Renee Catron, Dream Design International, advised that their client is only leasing the property and she indicated that they have not discussed closing any of the access points with the land owners.

Discussion followed concerning access to the subject property and the transfer of an existing on-sale liquor license to this property.

**Wevik moved, Jorgenson seconded and unanimously carried to recommend that the Use On Review to allow an on-sale liquor establishment be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to issuance of a Certificate of Occupancy, the two approaches closest to the intersection, one on Mountain View Street and one on West Main Street shall be eliminated;

**Fire Department Recommendations:**

2. That prior to issuance of a Certificate of Occupancy, all fire codes must be complied with;

**Building Inspection Department Recommendations:**

3. That a Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

**Urban Planning Division Recommendations:**

4. The Use on Review approval 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;

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5. **Prior to issuance of a Building Permit a complete sign package shall be submitted for review and approval; and,**
6. **Prior to City Council approval, the applicant shall provide a separate legal description for the on-sale liquor establishment and the Use On Review shall be approved only for that premise. (8 to 0)**

42. No. 01UR023 - Marshall Heights Subdivision No. 2

A request by Chris Larson for Outback Steakhouse to consider an application for a **Major Amendment to a Use On Review for an on-sale liquor establishment to allow temporary outdoor seating** on Lot 2 of Tract E of Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 665 East Disk Drive.

Seaman reviewed the staff report and the slides and recommended approval as outlined in the revised staff report.

In response to a question from Wall, Seaman indicated that the minimum parking requirements were being met.

Discussion followed concerning parking, portable toilets, and the maximum capacity of the outdoor seating area.

Wall stated that he feels this request should be continued to allow the applicant to attend the meeting and address parking concerns. Scull concurred noting that it does not appear that there is enough parking for the existing use without an additional 100 people seated outdoors.

**Wall moved, Scull seconded and unanimously carried to recommend that the Use On Review be continued to the June 21, 2001 Planning Commission meeting and to invite the applicant to attend the meeting. (8 to 0)**

43. No. 01RZ001 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad to consider an application for a **Rezoning from the Park Forest District to the Office Commercial District** on a portion of Lot F-1 of Fish Hatchery Subdivision, located in the North Half (N1/2) of the Southeast One Quarter (SE1/4) and in the Northeast One Quarter (NE1/4) of the Southwest One Quarter (SW1/4) of Section Eight (8) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot F-1 of Fish Hatchery Subdivision; Thence, S 51 degrees 31 minutes 28 seconds W, a distance of 210.39 feet more or less, along the Highway 44 Right-of-Way to a point of curvature; Thence, following the Highway 44 Right-of-Way along a curve to the right, said curve has a radius of 1095.92 feet and a length of 110.78 feet, chord bearing of S 54 degrees 23 minutes 15 seconds W, a chord distance of 110.73 feet more or less; Thence, N 42 degrees 46 minutes 16 seconds W, 268.89 feet more or less to the north line of Lot F-1 of Fish Hatchery Subdivision; Thence, S

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89 degrees 44 minutes 15 seconds E, 437.33 feet more or less, along the north line of Lot F-1 to the point of beginning. Said tract of land contains 1.00 Acres, more or less, more generally described as being located west of the intersection of Jackson Boulevard and Chapel Lane.

44. No. 01PL007 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.

45. No. 01PD003 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.

46. No. 01SV005 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sewer, water, street light conduit and sidewalks** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.

Fisher advised that the applicant has requested that these items be denied without prejudice to allow the submission of an application for a plat that meets the criteria of the Park Forest Zoning District.

**Wall moved, Jorgenson seconded and unanimously carried to recommend that 01RZ001, 01PL007, 01PD003, 01SV005 be denied without prejudice at the applicant's request. (8 to 0)**

47. No. 01PD025 - Regional Hospital Addition

A request by Rapid City Regional Hospital to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Tract B and Tract AR-1, Regional Hospital Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 353 Fairmont Boulevard and 2908 Fifth Street.

Fisher advised that staff recommends approval with stipulations. She presented the staff report and reviewed the slides and area zoning. She indicated that no calls or letters have been received concerning this request.

In response to a question from Wevik, Fisher identified the location of the proposed mechanic's shed on the site.

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Wall stated that he feels the helicopter port is a great service that the hospital provides to the region. He expressed concern with the noise that will be generated from the increase in use.

Rita Haxton, representative for applicant, noted that they have chosen a helicopter which creates a different level of sound from the existing helicopter. She added that they have held an informational meeting in an effort to inform and solicit input from the community. She clarified that of the 800 annual flights, approximately 550 will be helicopter and the remaining will be fixed-wing flights at Rapid City Regional Airport. She indicated that they have estimated that approximately 11 or 12 flights per week are anticipated at the helicopter pad after the expansion has been completed.

Discussion followed concerning the neighborhood meeting that was held on May 16<sup>th</sup> and the need identified by the Hot Springs area for this facility.

Wall reiterated his concern with the noise impact to area residents.

Discussion followed.

In response to a question from Wevik, Vern Osterloo, hospital representative, advised that the fuel storage tanks will be located underground southwest of the mechanics shed.

**Wevik moved, Jorgenson seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to approval of the Initial Commercial Development Plan by the City Council, a revised site plan showing the location of the drainage pipe and the drainage easement along the southern portion of the helicopter port site shall be submitted for review and approval;
2. Prior to approval of the Initial Commercial Development Plan by the City Council, a plan and profile for the extension of the water line shall be submitted for review and approval;
3. Prior to approval of the Initial Commercial Development Plan by the City Council, a plan for the extension of the sewer line shall be submitted for review and approval. In addition, a storm sewer design inlet with an interceptor shall be submitted for review and approval pending the redesign of the proposed fuel storage tank as regulated by Section 8.24.500 of the Municipal Code;
4. Upon issuance of a building permit, Meade-Hawthorne Drainage Basin fees shall be paid;

**Fire Department Recommendations:**

5. Prior to approval of the Initial Commercial Development Plan by the City Council, the site plan shall be revised to eliminate the outside above-ground fuel storage tanks; or the site plan shall be revised to show the location of the fuel storage tank below ground or within an enclosed structure as regulated by Section 8.24.500 of the Municipal

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**Code;**

6. **Prior to approval of the Final Commercial Development Plan by the City Council, the site plan shall be revised to show a fire hydrant located at the entrance to the helicopter port site;**
7. **All applicable Unified Fire Codes and National Fire Protection Agency Standards shall be met;**
8. **Prior to issuance of a Certificate of Occupancy, fire extinguishers shall be located on site as required by the Fire Department;**

**Building Inspection Division Recommendations:**

9. **A building permit shall be obtained prior to any additional construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
10. **Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;**

**Air Quality Recommendation:**

11. **An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**

**Urban Planning Division Recommendations:**

12. **The Planned Commercial Development shall allow for the expansion of the helicopter port as identified on the site plan. In addition, a mechanic's building and a fuel storage tank, constructed in accordance with all requirements of Section 8.24.500 of the Rapid City Municipal Code, shall be allowed;**
13. **The proposed mechanic's building and design of the helicopter port shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development;**
14. **All lighting shall be designed to shine down onto the helicopter port;**
15. **Any retrofitting of existing infrastructure improvements to accommodate the helicopter port shall be at the sole expense of the developer; and,**
16. **The helicopter port shall continually comply with all Federal Aviation Administration regulations;**
17. **The Planned Commercial Development for the helicopter port expansion shall expire if the use for which it was granted has ceased for a period of 12 months or more, or if the use as approved has not been completed within 12 months of the approval; and,**
18. **Building permits may be issued for the hospital facility as approved within the Planned Development Designation when the total construction included in all building permits issued are less than twenty percent of the gross square footage of all structures. (8 to 0)**

Scull left the meeting at this time.

48. **Discussion Items**

- a. **Recommendation from Accessible Parking Subcommittee**  
Lass noted that this item was continued at the last Planning Commission meeting to allow a representative from the Accessible Parking Subcommittee to appear and speak to this issue.

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Glade Jones, Chair of the Accessible Parking Subcommittee thanked the Planning Commission for forming a subcommittee to review this issue. He expressed concern that the current code as written allows for continued inaccessibility. He explained that the current code allows the parking lots to be re-striped in accordance with older approved site plans that were not in compliance with American's With Disabilities Act.

Wall expressed concern that the proposed amendments will reduce the number of available parking spaces.

Jones acknowledged that this would be an issue for businesses that only have two or three stalls in their parking lot. He noted that a variance would need to be granted to the parking requirements.

Wevik indicated that re-striping is typically viewed as a maintenance function for parking lots. He questioned the ability for proper notification and enforcement at the re-striping stage. He suggested that compliance be required at the time of parking lot expansion or at the time of resurfacing.

Jones advised that the committee had discussed licensing parking lot strippers and enforcement could be determined by City inspectors. He expressed concern that their attempts to educate the business community have been ignored.

Discussion followed concerning what processes currently generate the need for a permit, the number of disabled parking stalls required for retail businesses, recent revisions to the parking code to eliminate conflicts with the American's With Disabilities Act for new and expanded parking lots, the ability to enforce parking lot striping, responsibility for enforcing the American's With Disabilities Act.

Jones urged the Planning Commission to adopt the Committee's recommendation.

Elkins expressed concern that with the proposed change the City assumes responsibility for retroactive enforcement of the Americans With Disabilities Act at the taxpayers expense.

Discussion followed concerning the existing parking requirements, civic responsibility, variances to reduce parking, and parking lot maintenance.

Adam Altman, City Attorney's Office, indicated that he feels he can draft an ordinance that would be enforceable that would increase accessibility in the Rapid City community and waive parking requirements with variances having to be obtained.

Discussion followed concerning the disabled in the community, Planning Commission priorities, enforcement issues, committee membership, and the grandfather status of existing businesses.

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**Wevik moved, Jorgenson seconded and carried to table the recommendation from the Accessible Parking Subcommittee. (4 to 3 with Jorgenson, Parker, Wevik and Mashek voting Yes and with Wall, Lang and Prairie Chicken voting no)**

b. Draft Ordinance Amendments – Wind Energy Conversion Systems

Lass explained that the draft ordinance was revised to incorporate the Planning Commission's recommendations.

**Wall moved and Parker seconded to authorize staff to advertise for public hearing for an ordinance amendment addressing Wind Energy Conversion Systems.**

Lass presented slides of an existing wind turbine located behind Kmart.

Kenn Shave reviewed information concerning the Use On Review procedure the property owner followed for construction of the wind turbine. He noted that the wind turbine has not been functional for the last few years as it has a manual reset switch that requires climbing the tower to operate. Shave distributed copies of information concerning one model of wind turbine. He discussed placement of this type of system on residential roof structures, noting that one turbine could generate enough power to operate about 6 light bulbs.

Discussion followed.

**The motion unanimously carried to authorize staff to advertise for public hearing for an ordinance amendment addressing Wind Energy Conversion Systems. (7 to 0)**

Prairie Chicken left the meeting at this time.

c. Draft Ordinance Amendment – Wireless Telecommunication Towers

Fisher noted that this item was continued from the last Planning Commission meeting. She suggested that a meeting be scheduled with industry representatives to discuss the draft ordinance.

Discussion followed regarding having the meeting during the day.

Wevik requested that the industry representatives be forwarded a draft of the ordinance prior to the meeting.

**Wevik moved, Parker seconded and unanimously carried to direct staff to schedule a meeting to include Planning Commissioners and members of the Telecommunication Industry to discuss the draft telecommunication tower ordinance. (6 to 0)**

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49. Staff Items

Elkins polled the Planning Commission for attendance at the June 12, 2001 training session.

Elkins advised staff is mailing copies of the draft ordinance amendment for off-premise signs to licensed sign contractors at the direction of Chairperson Lang.

**There being no further business Mashek moved, Wall seconded and unanimously carried to adjourn the meeting at 9:18 a.m. (6 to 0)**

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