

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 26, 2001

MEMBERS PRESENT: Jeff Hoffmann, Mel Prairie Chicken, Dawn Mashek, Robert Scull, Jeff Stone, Paul Swedlund, Kari Tschetter, Bob Wall and Stuart Wevik. Ron Kroeger, Council Liaison was also present.

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

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

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

**Staff requested that Items 2 and 5 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Hoffman moved, Swedlund seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 14 in accordance with the staff recommendations with the exception of Items 2 and 5. (9 to 0)**

1. Approval of the July 5, 2001 and July 12, 2001 Planning Commission Meeting Minutes.
3. 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 the Layout Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit road construction plans for the turnaround on Quail Drive;**
2. **Prior to Final Plat approval by the City Council, the applicant shall**

provide a non-access easement along Clarkson Road except for approved approach locations;

**Transportation Planning Division Recommendations:**

3. Prior to Final Plat approval by the City Council, that an additional five feet of right-of-way be dedicated for Clarkson Drive;

**Pennington County Planning Department Recommendations:**

4. Prior to Layout Plat approval by the City Council, the applicant shall obtain a building permit to relocate the shed located in the Quail Drive right-of-way and the shed shall be relocated prior to City Council approval;

**Urban Planning Division Recommendations:**

5. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,

6. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

4. No. 01PL052 - Buffalo Ridge Subdivision

A request by Ron & MaryAnn Davis to consider an application for a **Preliminary Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Uranus Street.

**Planning Commission recommended that the Preliminary Plat be continued to the August 23, 2001 Planning Commission meeting to allow the applicant to submit additional information and to revise the construction plans accordingly.**

6. No. 01PL055 - The Meadows Subdivision

A request by Dream Design, Inc. for Legacy Land Company to consider an application for a **Preliminary and Final Plat** on Tract A-1 and Tract B-1 a Replat of Tract A and Tract B of The Meadows Subdivision, located in the W1/2 of SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the Minnesota Street and Derby Lane intersection.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 9, 2001 Planning Commission meeting to allow the applicant to submit additional information.**

7. No. 01PL060 - Schamber Addition

A request by Fisk Engineering for Justin Lena to consider an application for a **Layout Plat** on Lot 5-Revised and Lot 6-Revised of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition), Rapid City, Pennington

County, South Dakota, more generally described as being located at 3610 and 3614 Cottonwood Street.

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

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the Planning Commission, sufficient topographic and drainage information shall be submitted for review and approval to insure that site run off is adequately handled;
2. Prior to Preliminary Plat approval by the Planning Commission, that a site plan shall be provided identifying the location of all water and sewer mains and service lines;
3. Prior to Final Plat approval by the Planning Commission, the applicant shall identify the dedication of an additional ten feet of right-of-way for Schamber Street on the plat;

**Fire Department Recommendations:**

4. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a site plan identifying the location of all existing and proposed driveways and all fire hydrants within five hundred feet of the property;

**Urban Planning Division Recommendations:**

5. Prior to Final Plat approval by the City Council, the applicant shall obtain a demolition permit for the garage and the garage shall be removed; and,
6. Prior to Final plat approval by the City Council, all subdivision improvements shall be installed or a Subdivision Variance shall be granted waiving those requirements.

8. No. 01PL063 - Canyon Lake Heights

A request by Randy and Bobbie Greenway to consider an application for a **Layout Plat** on Lot 3R Revised, Lot 5R and Lot 4R Revision #2 in Block 5, all in Canyon Lake Heights, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

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

**Engineering Division Recommendations:**

1. Prior to Final Plat approval, a non-access easement must be identified on the Wonderland Drive frontage;
2. Prior to Preliminary Plat approval, the right-of-way width of Wonderland Drive must be identified on the plat and the dedication of additional right-of-way on Wonderland Drive and Falls Drive may be required;

**Pennington County Register of Deeds Recommendations:**

3. Prior to Final Plat approval, the plat shall be revised to identify Lot 3R as Lot 3R Revised;
4. Prior to Final Plat approval, a new subdivision name shall be identified

on the plat subject to review and approval of the Pennington County Register of Deeds; and,

**Urban Planning Division Recommendations:**

5. **Prior to Final Plat approval, the subdivision improvements as specified in Section 16.20.040 of the Rapid City Municipal Code must be completed or a Subdivision Regulations Variance must be obtained.**

9. No. 01PL064 - Bies Subdivision

A request by FMG, Inc. for Robbins & Stearns to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S. Highway 79, north of Minnesota Street.

**Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the August 23, 2001 Planning Commission pending approval of a 404 permit from the Corps of Engineers.**

10. No. 01PL065 - Polar Bear Subdivision

A request by D. C. Scott Co. to consider an application for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 9, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

11. No. 01PL066 - Reed Estates Subdivision

A request by James Heald for Robert Bland to consider an application for a **Preliminary and Final Plat** on Lot 11R (Formerly Lots 11 and 12) of Block 1 of Reed Estates, Subdivision located in SW1/4 of NE1/4 and in SE1/4 of NW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2505 May Court.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 23, 2001 Planning Commission meeting to allow the applicant time to submit the required topographic information.**

12. No. 01PL067 - Plateau Subdivision

A request by Fisk Engineering for James L. Bloom c/o Harold Speck, Attorney to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lot F of Lot 8

of Plateau Subdivision and Dedicated Right-Of-Way formerly the undeeded balance of Lot F of Lot 8 of Plateau Subdivision, located in the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2464 Plateau Lane.

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

**Engineering Division Recommendations:**

1. **Prior to City Council consideration the petitioner shall provide a complete site plan showing the proposed lot lines and all structures, driveways, well and septic tank/drainfield locations, and all other utilities;**
2. **Prior to City Council consideration the petitioner shall provide the required topographic information and drainage plan. Drainage easements shall be added to the plat as required by the Engineering Division;**

**Pennington County Register of Deeds Recommendations:**

3. **Prior to City Council approval of the plat the petitioner shall provide a new subdivision name on the plat;**

**Urban Planning Division Recommendations:**

4. **Prior to City Council approval of the Final Plat, financial surety shall be posted for any incomplete subdivision improvements or a Subdivision Variance shall be granted; and,**
5. **Prior to City Council approval of the Final Plat, the petitioner shall submit: the required Subdivision Improvements Estimate form, Subdivision Improvements Plans, and Subdivision Inspection fees for any required subdivision improvements.**

13. No. 01PL068 - Blake's Addition

A request by Fisk Engineering for Ernest Barton to consider an application for a **Preliminary and Final Plat** on Lot 31R and Lot 33R in Block 9 of Blake's Addition formerly all of Lots 31 through 34 in Block 9 of Blake's Addition, located in the SW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 and 232 East New York Street.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the September 6, 2001 Planning Commission meeting to allow the applicant to apply for the required zoning variances.**

14. No. 01AN011 - Section 32, T2N, R8E & Section 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Petition for Annexation** on the 30.1 foot wide Philadelphia Street ROW, approximately 724.1 feet in length, lying in the W1/2 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota, containing approximately .5 acres, more or less, and more generally described as being located east of E. Cambell Street and north of S.D. Highway 44 East.

**Planning Commission recommended that the 30.1 foot wide Philadelphia Street ROW, approximately 724.1 feet in length, lying in the W1/2 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota be approved for annexation.**

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

2. 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.

Elkins advised that the applicant has requested that the Preliminary and Final Plat be continued to August 23, 2001 Planning Commission.

**Wall moved, Scull seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the August 23, 2001 Planning Commission meeting at the applicant's request. (9 to 0)**

5. No. 01PL054 - Big Sky Subdivision

A request by Dream Design, Inc. for Big Sky LLC to consider an application for a **Preliminary and Final Plat** on Lots 28, Block 13; Lots 25, Block 14 and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, more generally described as being located at the northern terminus of DeGeest Street.

Hani Shafai, applicant, stated that Tract A located north of Block 12 and Block 13 has been removed from the Final Plat request. He requested approval of the Preliminary Plat for the residential lots at this time.

**Swedlund moved and Hoffmann seconded to recommend that the Preliminary Plat be approved.**

Dave Johnson, Engineering Division, indicated that the plans as submitted by the applicant are currently under review for the residential portion of the proposed plat.

Shafai advised that if Preliminary Plat approval is granted at this time, issues raised by the Engineering Division can be addressed prior to City Council approval.

In response to a question from Swedlund, Shafai responded that all issues concerning the residential portion of the development have been addressed in the engineering report previously submitted to the Engineering Division. At Wall's request, Shafai reviewed the slides and identified the portion of the property recently removed from the Preliminary and Final Plat request.

Johnson clarified that a full review of the plat as it applies to the residential development as revised by the applicant has not yet been completed. He indicated that he feels the applicant could address outstanding concerns and make necessary corrections prior to City Council approval of the Final Plat.

**Swedlund made a friendly amendment to the motion and Hoffmann accepted the amendment 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, drainage plans shall be submitted for review and approval of the Pennington County Drainage Engineer and the Engineering Division;**

**Planning Department Recommendations:**

- 2. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
  - 3. 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;**
  - 4. Prior to Final Plat approval by the City Council, the plat shall be revised to show non-access easements along Degeest Street as it abuts Lots 1 and 2 of Block 13 and along Homestead Avenue as it abuts Lot 1, Block 13 and Lot 5, Block 14;**
  - 5. Prior to Final Plat approval by the City Council, the plat shall be revised to eliminate Lots 3-7 of Block 13 and Tract A; and,**
  - 6. Prior to Final Plat approval by the City Council, an annexation agreement and a road agreement shall be signed by the applicant.**
- (9 to 0)**

**---BEGINNING OF HEARING CONSENT ITEMS---**

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

**Staff requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 37 be removed from the Hearing Consent Agenda for separate consideration.**

**Scull moved, Mashek seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 15 through 50 in accordance with the staff recommendations with the exception of Items 16, 20, and 37. (9 to 0)**

15. No. 01CA015 - Old Rodeo Subdivision

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for an **Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan to change the future land use designation from Planned Residential Development with 1 dwelling unit per acre to General Commercial with a Planned Commercial Development, Planned Residential Development with 4 dwelling units per acre and Office Commercial with a Planned Commercial Development** on Lot 1 of Old Rodeo Subdivision located in N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 1 located in SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4 and NE1/4 SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the unplatted balance of S1/2 of SE1/4 of NW1/4 and unplatted balance of NE1/4 of SW1/4 of Section 26, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of U.S. Highway 16 and Catron Boulevard.

**Planning Commission recommended that the Comprehensive Plan Amendment be denied without prejudice.**

17. No. 01UR006 - Bice Subdivision

A request by Samuel J. and Faye E. Bice to consider an application for a **Use on Review to allow a caretakers residence in the Light Industrial Zoning District** on Lot 2 of Lot K of Bice Subdivision located in the NW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 1/2 Creek Drive.

**Planning Commission recommended that the Use on Review to allow a caretakers residence in the Light Industrial Zoning District be continued to the August 23, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

18. 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', with a chord S71°38'36"E a distance of 47.46', 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 152.00', 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 with a radius of 124.00' and an arc length of 71.73', with a chord S56°14'09"E a distance of 70.74', 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', with a chord S50°44'15"E a distance of 67.61', 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 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.**

19. 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 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 approved.**

21. No. 01UR032 - Red Rock Estates  
A request by Dream Design International, Inc. to consider an application for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the current northern terminus of Muirfield Drive.

**Planning Commission recommended that the Use On Review to allow a utility substation in the Low Density Residential Zoning District be continued to the August 9, 2001 Planning Commission meeting to allow staff time to review recently submitted information.**

22. No. 01RZ040 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., common to the Southwest Corner of said Tract "A", being the POINT OF BEGINNING; thence N00°01'49"W along the west boundary of Tract "A" a distance of 336.25 feet; Thence S73°19'46"W a distance of 377.07feet to the corner common to Tract "A" and the Southwest corner of Lot C, of the SW1/4SW1/4 of said Section 23: Thence S07°31'36"E along the south boundary of said Lot C a distance of 300.94 feet to the Southeast Corner of said Lot C; Thence S07°23'48"W along the east boundary of said Tract "A" a distance of 190.53 feet to the Southeast Corner of Tract "A" said point being on the south section line of said Section 23 and the centerline of Golden Eagle Drive right-of-way; Thence S90°00'00"W along said line a distance of 634.90 feet to the point of beginning. Containing 3.71 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

**Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the August 9, 2001 Planning Commission meeting to be heard in conjunction with the associated Planned Development Designation.**

23. No. 01RD006 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Resolution renaming the approximately one-quarter mile long northwest/southeast oriented roadway known as Jolly Lane to Jubilee Lane** more generally described as being located between Race Track Road and Elk Vale Road.

**Planning Commission recommended that the Resolution renaming the approximately one-quarter mile long northwest/southeast oriented roadway known as Jolly Lane to Jubilee Lane be approved.**

24. No. 01RD009 - Elks Country Estates

A request by Buzz Knapp for Bob and Judy Messer to consider an application for a **Resolution renaming Crosswater Drive to Padre Drive** more generally described as being located in Elks Country Estates.

**Planning Commission recommended that the Resolution renaming Crosswater Drive to Padre Drive be approved with the stipulation that the applicant shall replace all required street signs.**

25. No. 01SV010 - Spring Canyon Estates

A request by Renner and Sperlich Engineering for Larry Tueber to consider an application for a **Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, traffic signs, pavement marking, and street light conduits for the section line highways; and Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, and street light conduits for Quail Drive; and Variance to the Subdivision Regulations to waive the requirements for curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, pavement marking, and street light conduits for Cougar Court** on Lot A Revised of Block 2 and Lots 1R, 6R and 7R of Block 3, 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 of 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 one and one-half miles south of the intersection of Sheridan Lake Road and Clarkson Road.

**Planning Commission recommended that the Subdivision Variances be approved with the condition that a gravel turnaround shall be provided at the end Quail Drive.**

26. No. 01SV014 - Schamber Addition

A request by Fisk Engineering for Justin Lena to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sidewalk along Schamber Street and topography** on Lot 5-Revised and Lot 6-Revised of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition), Rapid City, Pennington County, South Dakota, more generally described as being located at 3610 and 3614 Cottonwood Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for the installation sidewalk along Schamber Street be approved with the condition that a Waiver of Right to Protest a Future Assessment Project be signed and that the Variance to the Subdivision Regulations to waive the requirement for topographic information be denied.**

27. No. 01SV016 - Terracita Highlights

A request by Renee Catron for Builders Preferred Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement of the depth to width of the proposed lots** on Lots 9 through 24 and Lot 26R in Block 2 of Terracita Highlights Subdivision located in S1/2 NE1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and east of the intersection of Alta Vista Drive and City View Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved.**

28. No. 01SV017 - Canyon Lake Heights

A request by Randy and Bobbie Greenway to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for all street improvements including curb, gutter, sidewalk, paving, dry sewer, water, streetlights and conduit** on Lot 3R Revised, Lot 5R and Lot 4R Revision #2 in Block 5, all in Canyon Lake Heights, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for all street improvements including curb, gutter, sidewalk, paving, dry sewer, water, streetlights and conduit be approved with the condition that the applicant shall sign a Waiver Of Right To Protest agreement for the required improvements.**

30. No. 01SV019 - Polar Bear Subdivision

A request by D. C. Scott Co. to consider an application for a **Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for sidewalk along the south side of Sydney Drive and South Dakota Highway 70 be tabled.**

31. No. 01SV021 - Plateau Subdivision

A request by Fisk Engineering for James L. Bloom c/o Harold Speck, Attorney to consider an application for a **Variance to the Subdivision Requirements for sidewalk, curb and gutter and street lights** on Proposed Lot 1 of Lot F of Lot 8 of Plateau Subdivision and Dedicated Right-Of-Way formerly the undeeded balance of Lot F of Lot 8 of Plateau Subdivision, located in the SW1/4 NE1/4 of

Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2464 Plateau Lane.

**Planning Commission recommended that the Variance to the Subdivision Requirements for sidewalk, curb and gutter and street lights be approved.**

32. No. 01VR003 - Section 30, T2N, R8E

A request by Renner & Sperlich Engineering for Craig Christianson to consider an application for a **Vacation of Right of Way** on the westerly 10 feet of Pine Street between Latrobe Avenue and Luna Avenue adjacent to Lot D and Lot E of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Pine Street south of Motel 6.

**Planning Commission recommended that the Vacation of Ten Feet of Pine Street Right of Way between Latrobe Avenue and Luna Avenue be approved with the following stipulations:**

**Urban Planning Division Recommendations:**

1. **That prior to City Council approval, documentation shall be provided indicating that Quest has agreed to the proposed vacation;**
2. **That prior to City Council approval, documentation shall be provided indicating that Midcontinent Communications has agreed to the proposed vacation; and**
3. **That Prior to City Council approval, documentation that a utility easement acceptable Black Hills Power is granted.**

33. No. 01RZ041 - Section 13, T1N, R7E

A request by Renner & Sperlich Engineering for Gary Rasmusson to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; Said Parcel contains 32,151 square feet or 0.738 acres more or less, more generally described as being located west of Fifth street approximately 300 feet north of the intersection of Fifth Street and Minnesota Street.

**Planning Commission recommended that the Rezoning from Medium Density Residential to Office Commercial be approved, in conjunction with the associated Planned Development Designation request.**

34. No. 01PD040 - Section 13, T1N, R7E

A request by Renner & Sperlich Engineering for Gary Rasmusson to consider an application for a **Planned Development Designation** on a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; Said Parcel contains 32,151 square feet or 0.738 acres more or less, more generally described as being located west of Fifth street approximately 300 feet north of the intersection of Fifth Street and Minnesota Street.

**Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated Rezoning request.**

35. No. 01UR037 - Nicholl's

A request by Anne Devlin to consider an application for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1241 E. St. Joseph Street.

**Planning Commission recommended that the Use On Review for a Child Care Center be continued to the August 9, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.**

36. No. 01UR038 - Section 23, T1N, R7E

A request by Tom and Judy Lien to consider an application for a **Use on Review to allow a private residential garage in excess of 1000 square feet and more than 30% of the residence** on Lot 2 of Lot A of NE1/4 NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4940 S Highway 16.

**Planning Commission recommended that the Use on Review to allow a**

private residential garage in excess of 1000 square feet and more than 30% of the residence be approved with the following stipulations:

**Engineering Division Recommendations:**

1. Prior to issuance of a Building Permit, a storm water drainage plan shall be submitted for review and approval;

**Fire Department Recommendations:**

2. Prior to City Council approval, a wildland fire mitigation plan shall be submitted for review and approval;
3. Prior to issuance of a Certificate of Completion, the wildland fire mitigation plan shall be implemented;
4. That concrete tiles shall be installed on the roof of the proposed garage as indicated on the applicant's site plan;

**Building Inspection Department Recommendations:**

5. Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;

**Urban Planning Division Recommendations:**

6. That no plumbing shall be allowed in the garage;
7. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and
8. That prior to issuance of a Certificate of Occupancy, additional landscaping shall be installed along the south property line behind the proposed garage to approximately 10 feet east of the proposed garage.

38. No. 01UR039 - Greenway Tract

A request by Black Hills FiberCom to consider an application for a **Use On Review to allow structures in the Flood Hazard Zoning District** on Tract #17 and part of vacated W. Chicago Street (also in Sec 34-2N-7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Founders Park.

**Planning Commission acknowledged the applicant's withdrawal of the Use On Review to allow structures in the Flood Hazard Zoning District.**

39. No. 01OA011 – Ordinance Amendment

A request by City of Rapid City to consider an application for a **Ordinance amending subsection B (1) of Section 17.54.202 of Chapter 17.54 of the Rapid City Municipal Code** pertaining to the notice of time given to hold a public hearing.

**Planning Commission recommended that the Ordinance amending subsection B (1) of Section 17.54.202 of Chapter 17.54 of the Rapid City Municipal Code pertaining to the notice of time given to hold a public hearing be approved.**

40. No. 01CA021 - Section 19, T1N, R8E and Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan:** From Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Mobile Home Park located in a portion of the E1/2 of the SW1/4 of Section 24, T1N, R7E, B.H.M., Pennington County, South Dakota; From Planned Residential Development with a maximum density of 6.7 dwelling units per acre and Medium Density Residential with a Planned Residential Development to General Commercial located in a portion of the SE1/4 of Section 24, T1N, R7E, B.H.M., Pennington County, South Dakota; From Planned Residential Development with a maximum density of 6.7 dwelling units per acre, General Commercial with a Planned Commercial Development and Medium Density Residential with a Planned Residential Development to Office Commercial located in the North 900 feet of the SE1/4 of Section 24, T1N, R7E, B.H.M., Pennington County, South Dakota; From General Commercial with a Planned Commercial Development, Park Site with alternative use of Mobile Home Residential and Office Commercial with a Planned Commercial Development to General Commercial located in the North 900 feet of the W1/2 of the SW1/4 of Section 19, T1N, R8E, B.H.M., Pennington County, South Dakota; From Office Commercial with a Planned Commercial Development and Park Site with alternative use of Mobile Home Residential to Light Industrial located in the South 420 feet of the NW1/4 of the SW1/4 and the SW1/4 SW1/4 of Section 19, T1N, R8E, B.H.M., Pennington County, South Dakota; From General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial located in a portion of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota; From Office Commercial with a Planned Commercial Development, Medium Density Residential, and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Office Commercial located in a portion of the N1/2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota; From Low Density Residential and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Medium Density Residential located in a portion of the W1/2 of the S1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota; and, From Medium Density Residential to Low Density Residential located in the E1/2 of the N1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located North and west of the Rapid City Landfill.

**Planning Commission recommended that the Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, be continued to the August 9, 2001 Planning Commission meeting.**

41. No. 01RZ042 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being



more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence  $N01^{\circ}24'21''E$ , along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence  $N88^{\circ}35'39''W$  along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line  $N01^{\circ}24'21''E$  1245 feet to a point lying on the 1/16 line; Thence  $S88^{\circ}35'39''E$ , along said 1/16 line, 677.62 feet Thence departing said 1/16 line  $S02^{\circ}11'17''W$  154.18 feet; Thence  $S82^{\circ}36'49''E$  303.17 feet; Thence  $S43^{\circ}24'43''E$  155.36 feet; Thence  $N43^{\circ}40'53''E$  361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of  $S40^{\circ}04'31''E$  649.15 feet to where said right of way meets the east section line of said Section 24; Thence  $S01^{\circ}24'21''W$  730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence  $N01^{\circ}24'21''E$ , along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of  $N40^{\circ}04'31''W$  649.15 feet to a point lying on the right of way of future Parkview Drive; Thence  $N45^{\circ}40'53''E$  626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence  $S01^{\circ}24'21''W$  945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, more generally described as being located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

**Planning Commission recommended that the rezoning from General Agriculture District to General Commercial District be continued to the August 9, 2001 Planning Commission meeting in order to be heard in conjunction with the associated Comprehensive Plan Amendment.**

42. No. 01PD042 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence  $N01^{\circ}24'21''E$ , along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence  $N88^{\circ}35'39''W$  along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line  $N01^{\circ}24'21''E$  1245 feet to a point lying on the 1/16 line; Thence  $S88^{\circ}35'39''E$ , along said 1/16 line, 677.62 feet Thence departing said 1/16 line  $S02^{\circ}11'17''W$  154.18 feet; Thence  $S82^{\circ}36'49''E$  303.17 feet; Thence  $S43^{\circ}24'43''E$  155.36 feet; Thence  $N43^{\circ}40'53''E$  361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of  $S40^{\circ}04'31''E$  649.15 feet to where said right of way meets the east section line of said Section 24; Thence

S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, more generally described as being located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

**Planning Commission recommended that the Planned Development Designation be continued to the August 9, 2001 Planning Commission meeting.**

43. No. 01CA020 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan** From Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along said northerly right of way line, 50.86 feet to the true point of beginning; Thence N88°35'39"W along said northerly right-of-way line, 350 feet; Thence departing said right of way N1°24'21"E 275 feet; Thence S88°35'39"E 346.06 feet to where said line intersects the westerly right of way of proposed Fifth Street; Thence S00°45'07"W 274.85 feet more or less to the point of beginning containing 2.20 acres more or less; From Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 400.86 feet this being the point of beginning; Thence N88°35'39"W along said northerly right of way 919.13 feet; Thence departing said northerly right of way line N1°24'21"E 275 feet; Thence S88°35'39"E 919.13 feet; Thence S1°24'21"W 275 feet to the point of beginning containing 5.80 acres more or less; From Planned Residential Development with a maximum density of 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of

Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 1320 feet to where said right of way meets the north south 1/16 line of the SE1/4 of said Section 24 this being the true point of beginning; thence along the said right of way N88°35'39"W 439.87 feet; Thence departing the north right of way N01°24'21"E 1245 feet to a point lying on the east west 1/16 line; Thence S88°35'39"E along said 1/16 line 677.62 feet; Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'30"E 405.16 feet; Thence S49°37'01"E 52.92 feet to a point on a curve with a radius of 567 feet; thence along said curve to the right an arc length of 258.44 feet with a chord bearing of S30°36'54"E 256.21 feet Thence S1°24'21"W 244.35 feet; Thence N88°35'39"W 919.13 feet to a point on the north south 1/16 line; Thence S01°24'21"W 275 feet along said 1/16 line to the point of beginning containing 28.28 acres more or less; and, From Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N00°45'07"E 274.85 feet this being the true point of beginning; Thence N88°35'39"W 348.88 feet; Thence N1°24'21"E 244.35 feet to where it intersects a curve with a radius of 567 feet; thence along said curve to the left an arc length of 258.44 feet and a chord bearing of N30°36'54"W 256.21 feet; Thence N49°37'01"E 350.36 feet to where said line intersects the south westerly right of way of proposed Fifth Street a curve with a radius of 917 feet; Thence along said curve to the right an arc length of 438 feet with a chord bearing of S28°44'00"E 433.85 feet; Thence S00°45'07"W along said proposed Fifth Street right of way 319.88 feet to the point of beginning containing 5.03 acres more or less, more generally described as being located north of Catron Boulevard lying adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

**Planning Commission recommended that the Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, be continued to the August 9, 2001 Planning Commission meeting.**

44. No. 01RZ032 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on a portion of Lot Two (2) of Lot K2-C of Marshall Heights Tract, located in the Southwest One-Quarter (SW1/4) of Section Thirty (30), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said Lot Two (2) of Lot K2-C of Marshall Heights Tract; Thence, northerly along the westerly line of

said Lot Two (2) a distance of 109.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet; Thence, S 00 degrees 01 minutes 28 seconds E, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 113.1 feet, more or less; Thence, N 00 degrees 01 minutes 20 seconds W, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet to a point on the easterly line of said Lot Two (2); Thence, southerly along the easterly line of said Lot Two (2) a distance 109.5 feet to the southeast corner of said Lot Two (2); Thence, westerly along the southerly line of said Lot Two (2) a distance of 268.15 feet, more or less, to the point of beginning, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

**Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved contingent on the associated Planned Residential Development and Comprehensive Plan Amendment being approved.**

45. No. 01PD031 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for a **Initial and Final Planned Commercial Development** on Lot Two (2) of Lot K2-C of Marshall Heights Tract, located in the Southwest One-Quarter (SW1/4) of Section Thirty (30), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, less the following described property: Beginning at the southwest corner of said Lot Two (2) of Lot K2-C of Marshall Heights Tract; Thence, northerly along the westerly line of said Lot Two (2) a distance of 109.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet; Thence, S 00 degrees 01 minutes 28 seconds E, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 113.1 feet, more or less; Thence, N 00 degrees 01 minutes 20 seconds W, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet to a point on the easterly line of said Lot Two (2); Thence, southerly along the easterly line of said Lot Two (2) a distance 109.5 feet to the southeast corner of said Lot Two (2); Thence, westerly along the southerly line of said Lot Two (2) a distance of 268.15 feet, more or less, to the point of beginning, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

**Planning Commission recommended that the Initial Planned Commercial Development be approved with the following stipulations and that the Final Planned Commercial Development be continued to the August 9, 2001 Planning Commission meeting.**

**Engineering Division Recommendations:**

- 1. Prior to Final Planned Commercial Development approval by the Planning Commission, topographic information and grading plans shall be submitted for review and approval;**
- 2. Prior to Final Planned Commercial Development approval by the Planning Commission, a drainage, erosion and sediment control plan**

shall be submitted for review and approval;

3. Prior to Final Planned Commercial Development approval by the Planning Commission, water and sanitary sewer plans shall be submitted for review and approval;
4. Prior to Final Planned Commercial Development approval by the Planning Commission, the approach to the property shall be limited to a width of twenty-eight feet;

**Fire Department Recommendations:**

5. Prior to Final Planned Commercial Development approval by the Planning Commission, a site plan shall be provided identifying all fire hydrants within 500 feet of the property. The revised site plan shall identify the location of one fire hydrant to be located on the subject property;

**Urban Planning Division Recommendations:**

6. Prior to Final Planned Commercial Development approval by the Planning Commission, the applicant shall provide a detailed landscape plan for review approval; and,
7. Prior to Final Planned Commercial Development approval by the Planning Commission, the applicant shall provide a parking plan for review and approval. The parking plan shall identify two accessible parking stalls of which one shall be van accessible.

46. No. 01PD032 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for a **Initial Planned Residential Development** on a portion of Lot Two (2) of Lot K2-C of Marshall Heights Tract, located in the Southwest One-Quarter (SW1/4) of Section Thirty (30), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said Lot Two (2) of Lot K2-C of Marshall Heights Tract; Thence, northerly along the westerly line of said Lot Two (2) a distance of 109.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet; Thence, S 00 degrees 01 minutes 28 seconds E, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 113.1 feet, more or less; Thence, N 00 degrees 01 minutes 20 seconds W, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet to a point on the easterly line of said Lot Two (2); Thence, southerly along the easterly line of said Lot Two (2) a distance 109.5 feet to the southeast corner of said Lot Two (2); Thence, westerly along the southerly line of said Lot Two (2) a distance of 268.15 feet, more or less, to the point of beginning, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

**Planning Commission recommended that the Initial Planned Residential Development be approved with the following stipulations and that the Final Planned Residential Development be continued to the August 9, 2001 Planning Commission meeting.**

**Engineering Division Recommendations:**

1. Prior to Final Planned Residential Development approval by the Planning Commission, topographic information and grading plans shall be submitted for review and approval;
2. Prior to Final Planned Residential Development approval by the Planning Commission, a drainage, erosion and sediment control plan shall be submitted for review and approval;
3. Prior to Final Planned Residential Development approval by the Planning Commission, water and sanitary sewer plans shall be submitted for review and approval;
4. Prior to Final Planned Residential Development approval by the Planning Commission, the approach to the property shall be limited to a width of twenty-eight feet;

**Fire Department Recommendations:**

5. Prior to Final Planned Residential Development approval by the Planning Commission, a site plan shall be provided identifying all fire hydrants within 500 feet of the property. The revised site plan shall identify the location of one fire hydrant to be located on the subject property;
6. Prior to issuance of a Certificate of Occupancy, the applicant shall provide plans for a fire sprinkler system and the system shall be installed and approved;

**Urban Planning Division Recommendations:**

7. Prior to Final Planned Residential Development approval by the Planning Commission, the applicant shall provide a detailed landscape plan for review approval. Four additional large deciduous street trees shall be provided in the Knollwood Drive boulevard;
8. Prior to Final Planned Residential Development approval by the Planning Commission, the applicant shall provide a parking plan for review and approval. The parking plan shall identify two accessible parking stalls of which one shall be van accessible; and,
9. Prior to Final Planned Residential Development approval by the City Council, the associated rezoning request shall be approved.

47. No. 01CA022 - Marshall Heights Subdivision

A request by Fisk Engineering for Wal-East Development, Inc to consider an application for a **Amendment to the Future Land Use Designation in the North Rapid Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan** on a portion of Lot Two (2) of Lot K2-C of Marshall Heights Tract, located in the Southwest One-Quarter (SW1/4) of Section Thirty (30), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said Lot Two (2) of Lot K2-C of Marshall Heights Tract; Thence, northerly along the westerly line of said Lot Two (2) a distance of 109.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet; Thence, S 00 degrees 01 minutes 28 seconds E, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 113.1

feet, more or less; Thence, N 00 degrees 01 minutes 20 seconds W, a distance of 6.5 feet; Thence, N 89 degrees 59 minutes 32 seconds E, a distance of 77.5 feet to a point on the easterly line of said Lot Two (2); Thence, southerly along the easterly line of said Lot Two (2) a distance 109.5 feet to the southeast corner of said Lot Two (2); Thence, westerly along the southerly line of said Lot Two (2) a distance of 268.15 feet, more or less, to the point of beginning, more generally described as being located Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

**Planning Commission recommended that the Amendment to the Future Land Use Designation in the North Rapid Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan from General Commercial to Medium Density Residential be approved.**

48. No. 742-790 - Rushmore Regional Industrial Park  
A request by City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District No. 15** on Block 3, Rushmore Regional Industrial Park, E1/2, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Copperfield Subdivision on Elk Vale Road.

**Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 15 be approved.**

49. No. 01CA026 – Comprehensive Plan Amendment  
A request by the City of Rapid City to consider an application for a **Comprehensive Plan Amendment - Amendment to the Major Street Plan.**

**Planning Commission recommended that the Comprehensive Plan Amendment - Amendment to the Major Street Plan be approved.**

50. No. 01TP007 – Transportation Improvement Program  
A request by the City of Rapid City to consider an application for a **2002-2006 Draft Transportation Improvement Program.**

**Planning Commission recommended that the 2002-2006 Draft Transportation Improvement Program be approved.**

**---END OF HEARING ITEMS, BEGINNING OF REGULAR AGENDA ITEMS---**

16. 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.

Elkins clarified that staff recommends that the site plan show 391 parking spaces with a requirement that 317 parking spaces must be built at this time. She noted that this condition would provide the flexibility to require that the remaining parking spaces be constructed based on changes in personnel or when circumstances warrant.

**Mashek moved and Wall seconded to recommend that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. An inspection of the drainage pipe shall be conducted by the applicant prior to the construction of the motel and after the construction has been completed to insure that the drainage pipe located in the area of the proposed motel has not been damaged;
2. Prior to City Council approval, the applicant shall sign an agreement holding the City harmless for any repair or replacement of the drainage pipe and relieving the City of any responsibility for the stability or settlement of the proposed motel;
3. Prior to City Council approval, a drainage easement document shall be filed with the Register of Deed's Office identifying an alternate location for the future relocation of the drainage pipe if necessary;
4. Prior to City Council approval, the applicant shall contract for the design of the water line construction to extend the Terracita water zone to the property;
5. Prior to City Council approval, the applicant shall enter into an agreement with the City to share the expense of extending the Terracita water zone to the property;
6. Prior to City Council approval, the South Dakota Department of Transportation shall review and approve the proposed additional parking spaces and retaining wall to be located in the Mount Rushmore Road right-of-way or the site plan shall be revised to eliminate the parking spaces from the right-of-way;
7. Prior to City Council approval, the applicant shall obtain written approval from the City and the South Dakota Department of Transportation to allow structures in their respective rights-of-way, or the structures shall be removed from the rights-of-way;
8. Prior to issuance of a building permit, Meade-Hawthorne Drainage Basin development fees shall be paid;
9. Prior to issuance of a building permit, construction erosion and sediment control plans shall be submitted for review and approval;
10. Prior to issuance of a Certificate of Occupancy, Fairmont Boulevard shall be improved to a 36 foot wide paved roadway from the intersection of Mount Rushmore road to the second approach that serves as access to the motel parking lot and a left turning lane shall be constructed in the westbound lane of Fairmont Boulevard. In addition, a pedestrian crossing, with access ramps, shall be provided across Fairmont Boulevard;



**Fire Department Recommendation:**

11. Prior to issuance of a Certificate of Occupancy, all fire codes shall be complied with;

**Building Inspection Recommendations:**

12. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
13. Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted;

**Urban Planning Division Recommendations:**

14. The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development;
15. All signage shall conform to the design and location as shown in the sign package submitted as part of this Major Amendment to the Planned Commercial Development;
16. Prior to City Council approval, the dimensions of the proposed wall mounted sign to be located on the motel shall be submitted for review and approval;
17. Prior to City Council approval, written approval shall be obtained from the South Dakota Department of Transportation to allow the 35 foot high pole mounted sign to remain located in the Mount Rushmore Road right-of-way, or the pole mounted sign shall be removed;
18. Prior to City Council approval, a site plan shall be submitted identifying the type and location of the heating and air handling units and the trash receptacle(s) for review and approval;
19. A minimum of 317 parking spaces shall be provided on site. Eight of the spaces shall be handicap accessible with one of the handicap spaces being van accessible;
20. Prior to City Council approval, the applicant shall submit a site plan providing 391 parking spaces that meet all requirements of the Parking Regulations;
21. Prior to City Council approval, the applicant shall sign an agreement stating that the parking plan shall be revised to meet the minimum requirements of the Parking Regulations upon any changes to the existing and proposed uses on the subject property including but not limited to: increase in the number of employees, change(s) or alterations in use or expansion of use. The agreement shall also stipulate that the parking lot shall be constructed within 180 days of any change and/or expansion of use on the property or increase in the number of employees; and,
22. The Major Amendment to the Planned Commercial Development approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years.

Swedlund spoke against the motion and he expressed concern with the appearance of the building as proposed. He stated that he was disappointed as

he does not feel that the elevations show adequate aesthetic quality and he indicated that he believes that the structure as proposed would detract from the scenic beauty of the site.

**Scull advised that he would abstain from voting on this request.**

In response to a question from Wall, Elkins advised that none of the 391 parking spaces to be shown on the site plan may include parking in the right of way. She clarified that 64 parking spaces are located in the right of way and are not approved for use or considered in the parking calculations for the site.

Discussion followed regarding the basis for parking calculations.

In response to a question from Wall, Robb Schlimgen, SDC, Inc., indicated that the drawing showing the 391 parking stalls has not been completed and he indicated that the property owner has no objection to staff's recommendation.

Swedlund advised that he feels the sign package as proposed is disproportionately large and discussed potential aesthetic impact of a 25 foot by 40 foot sign on the site.

**The motion carried to recommend that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **An inspection of the drainage pipe shall be conducted by the applicant prior to the construction of the motel and after the construction has been completed to insure that the drainage pipe located in the area of the proposed motel has not been damaged;**
2. **Prior to City Council approval, the applicant shall sign an agreement holding the City harmless for any repair or replacement of the drainage pipe and relieving the City of any responsibility for the stability or settlement of the proposed motel;**
3. **Prior to City Council approval, a drainage easement document shall be filed with the Register of Deed's Office identifying an alternate location for the future relocation of the drainage pipe if necessary;**
4. **Prior to City Council approval, the applicant shall contract for the design of the water line construction to extend the Terracita water zone to the property;**
5. **Prior to City Council approval, the applicant shall enter into an agreement with the City to share the expense of extending the Terracita water zone to the property;**
6. **Prior to City Council approval, the South Dakota Department of Transportation shall review and approve the proposed additional parking spaces and retaining wall to be located in the Mount Rushmore Road right-of-way or the site plan shall be revised to eliminate the parking spaces from the right-of-way;**

7. Prior to City Council approval, the applicant shall obtain written approval from the City and the South Dakota Department of Transportation to allow structures in their respective rights-of-way, or the structures shall be removed from the rights-of-way;
8. Prior to issuance of a building permit, Meade-Hawthorne Drainage Basin development fees shall be paid;
9. Prior to issuance of a building permit, construction erosion and sediment control plans shall be submitted for review and approval;
10. Prior to issuance of a Certificate of Occupancy, Fairmont Boulevard shall be improved to a 36 foot wide paved roadway from the intersection of Mount Rushmore road to the second approach that serves as access to the motel parking lot and a left turning lane shall be constructed in the westbound lane of Fairmont Boulevard. In addition, a pedestrian crossing, with access ramps, shall be provided across Fairmont Boulevard;

**Fire Department Recommendation:**

11. Prior to issuance of a Certificate of Occupancy, all fire codes shall be complied with;

**Building Inspection Recommendations:**

12. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
13. Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted;

**Urban Planning Division Recommendations:**

14. The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development;
15. All signage shall conform to the design and location as shown in the sign package submitted as part of this Major Amendment to the Planned Commercial Development;
16. Prior to City Council approval, the dimensions of the proposed wall mounted sign to be located on the motel shall be submitted for review and approval;
17. Prior to City Council approval, written approval shall be obtained from the South Dakota Department of Transportation to allow the 35 foot high pole mounted sign to remain located in the Mount Rushmore Road right-of-way, or the pole mounted sign shall be removed;
18. Prior to City Council approval, a site plan shall be submitted identifying the type and location of the heating and air handling units and the trash receptacle(s) for review and approval;
19. A minimum of 317 parking spaces shall be provided on site. Eight of the spaces shall be handicap accessible with one of the handicap spaces being van accessible;
20. Prior to City Council approval, the applicant shall submit a site plan providing 391 parking spaces that meet all requirements of the Parking Regulations;

21. **Prior to City Council approval, the applicant shall sign an agreement stating that the parking plan shall be revised to meet the minimum requirements of the Parking Regulations upon any changes to the existing and proposed uses on the subject property including but not limited to: increase in the number of employees, change(s) or alterations in use or expansion of use. The agreement shall also stipulate that the parking lot shall be constructed within 180 days of any change and/or expansion of use on the property or increase in the number of employees; and,**
22. **The Major Amendment to the Planned Commercial Development approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years. (7 to 1 with Swedlund voting no and with Scull abstaining)**

20. No. 01UR030 - MDU Subdivision

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 Light Industrial Zoning District** on Lot 1, MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 710 Steele Avenue.

**Swedlund advised that he would abstain from voting on this request.**

**Wall moved and Mashek seconded to recommend that the Use On Review to allow a communication tower in the Light Industrial Zoning District be denied without prejudice.**

Discussion followed.

**The motion to recommend that the Use On Review to allow a communication tower in the Light Industrial Zoning District be denied without prejudice carried. (8 to 0 with Swedlund abstaining)**

37. No. 01PD041 - Meridian Subdivision

A request by Curtis Tanksley to consider an application for a **Major Amendment to a Planned Commercial Development for a revised sign package** on Lot 5R of Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 LaCrosse Street, Wal-Mart.

Grant Smith, Buescher Frankenberg Associates, Inc., requested clarification concerning staff's recommendations regarding the signage on the site, including conditions 2, 3 and 4.

Elkins responded that the staff recommends approval of the sign package as submitted by the applicant. She indicated that conditions 2, 3 and 4 provide flexibility for future changes.

**Scull moved and Stone seconded to recommend that the Major Amendment to a Planned Commercial Development for a revised sign package be approved with the following stipulations:**

**Urban Planning Division Recommendations:**

- 1. A sign permit shall be received prior to posting or construction of any signage proposed in the Major Amendment;**
- 2. The future changing of sign location, decrease in sign size, color change, lighting changes and changes in similar sign characteristics can be approved as a Minimal Amendment to the Planned Commercial Development – subject to approval of the Planning Director;**
- 3. The future addition of signs qualifying as “Exempt” under the City Sign Code is permitted and does not require an amendment to this Planned Commercial Development;**
- 4. The future addition of any sign requiring a sign permit (including any billboards) or the increase in size of any sign approved as part of this Major Amendment request shall require a Major Amendment to the Planned Commercial Development;**
- 5. Future signage for the Golden Corral Restaurant may be allowed as a Minimal Amendment to the Planned Commercial Development provided it is the same size or smaller than the existing signage used for the restaurant.**

In response to a question from Swedlund, Elkins advised that a landscaping plan has been submitted and bond has been posted for the improvements.

**The motion unanimously carried to recommend that the Major Amendment to a Planned Commercial Development for a revised sign package be approved with the following stipulations:**

**Urban Planning Division Recommendations:**

- 1. A sign permit shall be received prior to posting or construction of any signage proposed in the Major Amendment;**
- 2. The future changing of sign location, decrease in sign size, color change, lighting changes and changes in similar sign characteristics can be approved as a Minimal Amendment to the Planned Commercial Development – subject to approval of the Planning Director;**
- 3. The future addition of signs qualifying as “Exempt” under the City Sign Code is permitted and does not require an amendment to this Planned Commercial Development;**
- 4. The future addition of any sign requiring a sign permit (including any billboards) or the increase in size of any sign approved as part of this Major Amendment request shall require a Major Amendment to the Planned Commercial Development;**

5. **Future signage for the Golden Corral Restaurant may be allowed as a Minimal Amendment to the Planned Commercial Development provided it is the same size or smaller than the existing signage used for the restaurant. (9 to 0)**

51. 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.

Seaman indicated that the application contained an incorrect legal description and staff recommends that the Use On Review be denied without prejudice.

**Swedlund advised that he would abstain from voting on this request.**

**Wall moved, Mashek seconded and unanimously carried to recommend that the Use On Review to allow a communication tower in the General Commercial Zoning District be denied without prejudice. (8 to 0 with Swedlund abstaining)**

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

Seaman presented the request and reviewed the slides and area zoning. She advised that this is one of five cell towers that the applicant has requested in Rapid City. She identified the location of the proposed cell tower noting that the paving will be required on the site. She recommended approval of the Use On Review with stipulations.

Discussion followed concerning the visual impact of cell towers.

**Swedlund advised that he would abstain from voting on this request.**

**Scull moved, Mashek seconded and carried to recommend that the Use On Review to allow a communication tower in the General Commercial Zoning District be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;**
2. **Prior to issuance of a Building Permit, a detailed drainage study shall be submitted for review and approval;**

**Building Inspection Division Recommendations:**

3. A Building Permit shall be obtained prior to any construction;
4. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
5. A Certificate of Completion shall be obtained prior to any use of the tower;

**Urban Planning Division Recommendations:**

6. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
7. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
8. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
9. No commercial advertising signage shall be allowed on the tower;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
11. The Use on Review 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. (8 to 0 with Swedlund abstaining)

53. 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 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.

Seaman presented the request and reviewed the slides, area zoning and site plan. She noted that the cell tower must be designed in such a manner so as to safely co-locate additional antennae. She recommended approval of the Use On Review request with stipulations.

Discussion followed concerning co-location of antennae on cellular towers.

Wall questioned the proposed location of this cell tower in an area that will likely develop into residential properties.

Pete Lien, area property owner, expressed concern that the emissions from the transmission tower may prematurely initiate detonation of explosive devices on the nearby rock mining area. He requested that approval of this request be delayed until these safety concerns can be addressed.

Mark Krenn, agent for applicant, reviewed the difficulties they have experienced in their attempt to locate a cellular tower in the area of the subject property. He stated that the Federal Communications Commission has strict regulations and licensing for radio frequency waves and he indicated that he does not believe the Federal Communications Commission would issue a permit for this site if there were any safety concerns. He offered to provide any necessary paperwork that was requested by Lien.

**Scull moved to approve the Use On Review request.**

**The motion died due to the lack of a second.**

Steve Zelmer, President of GCC Dakota, expressed concern regarding the potential interference of radio waves with their mining activities. He stated that they want to ensure that the use of the subject property is compatible with long term use of their property. He asked that the Use On Review be continued so that they can work with the applicant to identify and prevent any safety concerns for their employees.

Discussion followed concerning cellular tower transmission frequencies.

Wevik requested that Krenn work with the interested parties to address these safety concerns.

Krenn requested that the Planning Commission grant approval of the Use on Review with the additional stipulation that issues concerning the transmission frequencies be addressed prior to City Council approval.

**Stone moved, Hoffman seconded and carried to recommend that the Use On Review be continued to the August 9, 2001 Planning Commission meeting. (6 to 2 with Wall and Wevik voting no and with Swedlund abstaining)**

54. No. 01UR034 - Meadowwood Subdivision and Pine Hills Subdivision  
A request by Harland Danielsen to consider an application for a **Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility** on Lot 8 of Tract "B" of SW1/4 NE1/4; Lot 2 of Tract E of SE1/4 NW1/4 of Meadowwood Subdivision and Lot 3 of Lot 88A of Pine Hills Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4095 Sturgis Road.

Seaman advised that staff recommends that the Use On Review be continued to the September 6, 2001 Planning Commission meeting. She noted that the Planning Commission has requested that all on-sale liquor applications be heard on the non-consent calendar.

In response to a question from Wall, Seaman noted that approval cannot be granted in time to allow the proposed temporary use. She explained that the Use



On Review to allow an on-sale liquor establishment is necessary as the existing permanent business is currently operating as a illegal non-conforming use.

**Wall moved, Mashek seconded and unanimously carried to recommend that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the September 6, 2001 Planning Commission meeting to allow the applicant time to provide additional required information and for the Zoning Board of Adjustment to take action on a variance request submitted for the subject property. (9 to 0)**

Emerson requested that 55 and 56 be considered concurrently.

55. No. 01PL059 - Pinedale Heights Subdivision

A request by Fisk Engineering for Mark Abrams to consider an application for a **Layout Plat** on Lots 8 Revised and 8A Revised of Pinedale Heights Subdivision formerly all of Lots 8 and 8A of Pinedale Heights Subdivision, located in the NE1/4 NW/14 of Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5309 Pinedale Heights.

56. No. 01SV015 - Pinedale Heights Subdivision

A request by Fisk Engineering for Mark Abrams to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for topographic information, pavement width of road and easement, easement width, sidewalks, curb and gutter, street lights and dry sewer** on Lots 8 Revised and 8A Revised of Pinedale Heights Subdivision formerly all of Lots 8 and 8A of Pinedale Heights Subdivision, located in the NE1/4 NW/14 of Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5309 Pinedale Heights.

Emerson advised that the applicant has requested that the Layout Plat and the Subdivision Variance request be denied without prejudice.

**Wall moved, Mashek seconded and unanimously carried to recommend that the Layout Plat and the Subdivision Regulations to waive the requirement for topographic information, pavement width of road and easement, easement width, sidewalks, curb and gutter, street lights and dry sewer be denied without prejudice at the applicant's request. (9 to 0)**

57. No. 01VR004 - Section 30, T2N, R8E

A request by Renner & Sperlich Engineering for Craig Christianson to consider an application for a **Vacation of Right of Way** on that 60 foot portion of Luna Avenue lying between Lot D of NW1/4 SE1/4 and Lot C of NW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Rapp Street and Pine Street.

Emerson presented the request and identified existing uses in the area of the subject right-of-way. He indicated that Luna Avenue is an important component of the area street network and he recommended that the Vacation of Right of Way be denied.

Doug Sperlich, Renner & Sperlich Engineering, identified alternatives for access to properties lying to the north and east of the Luna Avenue right of way. He expressed concern that the right of way was platted in the mid-1950's and is functionally outdated. He stated that he feels there will still be a viable street network in the area without the Luna Avenue right of way.

In response to a question from Wall, Sperlich indicated that the developer would like to use the vacated Luna Avenue right of way as parking for a new hotel at this location.

In response to a question from Scull, Sperlich advised that he was not aware of any conversations the applicant has had with the ditching contractor owning the adjacent property to the east.

Harry Christianson, representing Craig Christianson, explained that they would like to construct a Hampton Inn on the subject property. He noted that they would need to vacate the right of way to provide enough parking for the proposed development.

Discussion followed concerning the alignment of Farnwood Avenue and the long range plan for the road network in this area.

Charles Davis, adjacent property owner east of Luna Avenue, stated that they use Luna Avenue to access their ditching business in the winter. He expressed concern that if Luna Avenue were vacated he would be unable to connect to utilities located in the right of way. He expressed concern that the roads have not been maintained properly. He requested that the Planning Commission deny the application.

Discussion followed concerning the condition of Farnwood Avenue and Pine Street, when paving improvements to Pine Street would occur and access to utilities in Luna Avenue.

Sperlich indicated that they intend to leave Luna Avenue as a utility easement.

**Swedlund moved and Prairie Chicken seconded to recommend that the Vacation of Right of Way request be continued to the August 9, 2001 Planning Commission meeting.**

Discussion followed.

Elkins reiterated staff's concern about the impact the vacation of this right of way would have on the area's street network noting that there is a large undeveloped

area to the east of this property with very limited access and topographic restraints.

At the Planning Commission's request, Fisher distributed the site plan for the proposed Hampton Inn as submitted for a setback variance request.

Discussion followed concerning proposed and future development in the area, the existing General Commercial zoning of the property, and the possible condemnation of property at the intersection of LaCrosse Street and Farnwood Avenue.

**The motion unanimously carried to recommend that the Vacation of Right of Way request be continued to the August 9, 2001 Planning Commission meeting. (9 to 0)**

58. No. 01SV020 - Bradsky Subdivision No. 2

A request by ETS, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving** on Proposed Lot 1, Lot 2 and Lot 3 of Tract 4 of Bradsky Subdivision No. 2 in the NW1/4 SW1/4 of Section 5, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, more generally described as being located on the east of Cambell Street north of East St. James Street.

Fisher presented the request, reviewed the slides and identified the surrounding zoning. She discussed the requested variance noting that the surrounding properties are commercially developed and she indicated that access to proposed Tract 3 would be taken from an easement extending from Campbell Street which is a high volume traffic arterial. She recommended approval of the requested Variance for Creek Drive with stipulations and she recommended that the Variance for the access easement be denied.

David Bradsky, applicant, advised that large portions of this property are not developable due to extensive floodway and flood fringe coverage. He explained that they would like to subdivide the property so they can transfer title. He expressed concern that the cost to acquire additional right of way along with the cost of improvements to the access easement to Tract 3 are not financially feasible considering the limited use of the lot.

Discussion followed concerning the potential to reconfigure the lot lines to incorporate Tract 3 into one of the other lots.

**Wall moved, Scull seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit, and paving on the access lot and the Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving**

**on Creek Drive be continued to the August 9, 2001 Planning Commission meeting. (9 to 0)**

Elkins indicated that the applicant for Item 29 was not present when action was taken on the Hearing Consent Calendar and has requested that Item 29 be reconsidered.

**Wall moved, Swedlund seconded and unanimously carried to reconsider the Hearing Consent Calendar. (9 to 0)**

**Scull moved, Swedlund seconded and unanimously carried to approve the Hearing Consent Calendar with the exception of Item 29. (9 to 0)**

29. No. 01SV018 - Bies Subdivision

A request by FMG, Inc. for Robbins & Stearns to consider an application for a **Variance to the Subdivision Regulations to reduce the required right-of-way dedication from 17 feet to 7 feet** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S. Highway 79, north of Minnesota Street.

Elkins advised that the applicant has requested that the Variance to the Subdivision be continued to the August 9, 2001 Planning Commission meeting.

**Scull moved, Swedlund seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the required right-of-way dedication from 17 feet to seven feet be continued to the August 9, 2001 Planning Commission meeting at the applicant's request. (9 to 0)**

59. Discussion Items

A. Cellular Tower Master Plan Request for Proposals – Marcia Elkins

Elkins indicated that the growing number of requests for the construction of cellular towers has emphasized the need for the development of a master plan to ensure that the least possible number of cellular towers are erected to provide adequate cellular coverage in the Rapid City community. She requested authorization for staff to prepare a Request for Proposals to obtain assistance with technical issues for placement of cellular towers in Rapid City.

In response to a question from Wevik, Elkins advised that staff has met with existing cellular service providers and staff feels that technical assistance is necessary in order to properly evaluate the issues identified.

Discussion followed concerning the possibility of adoption of a cellular tower master plan as part of the Rapid City Comprehensive Plan.

Swedlund stated that he feels the construction of cellular towers should be addressed in terms of the interests of the community as a whole. He added that consultants are not biased toward any particular provider and can be expected to look beyond the basic technical aspects of cellular service.

**Mashek moved, Wall seconded and unanimously carried to authorize staff to prepare a Request for Proposals for the development of a cellular tower master plan. (9 to 0)**

61. Planning Commission Items

Elkins reminded the Planning Commission of the training session at 11:30 a.m. Friday and identified agenda topics.

Wall requested that the Fire Department Staff provide some input on fire access issues in conjunction with Vacation of Right of Way requests. Wall expressed concern that it is not possible to read dimensions or fine print on plat maps at the current scan resolution. He requested that staff determine if changes can be made to address the scan quality of plat images included in the electronic packets.

Swedlund requested clarification concerning the Legal and Finance Committee's action to deny the billboard ordinance as proposed by the Planning Commission.

Elkins responded that the Legal and Finance Committee heard comments from representatives of the sign industry and took action to deny the proposed ordinance.

Swedlund indicated that he would like a member of the Planning Commission to appear before the Legal and Finance Committee to speak to the issue again.

Elkins advised that the ordinance could be placed on the Legal and Finance Agenda as a formal hearing or discussion item.

Swedlund expressed concern regarding the proliferation of billboards in Rapid City and he emphasized that he feels there is a strong need for additional controls.

Prairie Chicken left the meeting at this time.

Wevik added that the sign industry officials indicated that they believe that the effects of the recent revisions to the Sign Code should be evaluated before additional restrictions are implemented.

Wall acknowledged the extensive packet of information received from the Wildwood Association and requested clarification concerning what associated action is pending before the Planning Commission at this time.

Elkins advised that there are no pending applications before the Planning Commission at this time relevant to the information provided by the Wildwood Association.

**There being no further business Wall moved, Swedlund seconded and unanimously carried to adjourn the meeting at 9:15 a.m. (8 to 0)**