

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 9, 2001

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

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Karen Bulman, Bill Lass, Bill Knight, Dave Johnson, Randy Nelson, Jim Preston, Tim Behlings and Risë Ficken

Chairperson Wevik called the meeting to order at 7:03 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 10 and 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Wall moved, Scull 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 10 and 11. (8 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 26, 2001 Planning Commission Meeting Minutes.
2. No. 01AN012 - Section 32, T2N, R8E
A request by City of Rapid City to consider an application for a **Resolution of Intent to Annex** on Tract C of SW1/4 SW1/4, Lot 3-4 of NW1/4 SW1/4 and vacated Alley less RTY, Unplatted portion of NW1/4 SW1/4, east 613 feet of the north 511 feet of SW1/4 SW1/4, E1/2 SE1/4 SW1/4, NW1/4 SE1/4 SW1/4, Tract B of SW1/4 SW1/4 less RTY, SW1/4 SE1/4 SW1/4, all located within Section 32, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of SD Highway East, east of Cambell Street and south of US Highway 16.

Planning Commission recommended that the Resolution of Intent to Annex be approved.

3. 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 23, 2001 Planning Commission meeting to allow the applicant to submit additional information.

4. No. 01PL056 - Trijowinn Subdivision

A request by Arleth & Associates for Thomas Walsh to consider an application for a **Preliminary and Final Plat** on Day Inn Tract and Burger King Tract a subdivision of Lot 2 of the Trijowinn Subdivision, located in the NW1/4 of Section 2, T1N, R7E, B.H.M., City of Rapid City, Pennington County, South Dakota, as shown by the Plat recorded in Book 27 of Plats on Page 183, more generally described as being located between West Kansas City Street and Jackson Boulevard.

Planning Commission recommended that the Planning Commission acknowledge the applicant's request to withdraw the Preliminary and Final Plat application.

5. 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 23, 2001 Planning Commission meeting to be considered in conjunction with the rezoning request.

6. No. 01PL069 - Schimke Subdivision

A request by Polenz Land Surveying for Rose Schimke to consider an application for a **Preliminary and Final Plat** on Lot 5R and 6R of Schimke Subdivision formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota, more generally described as being located at 1650 Sweetbriar.

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

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the driveway width to proposed Lot 5R shall be restricted to a maximum of 20 feet;
2. Prior to Final Plat approval by the City Council, the plat shall be revised to show a 10 foot wide drainage easement along the side lot lines and a 25 foot wide drainage easement along the rear lot lines;

Pennington County Highway Department Recommendations:

3. Prior to Final Plat approval by the City Council, a drainage ditch shall be constructed along Sweetbriar Street, or surety shall be posted for the improvement;

Urban Planning Division Recommendations:

4. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
5. **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.**

7. **No. 01PL070 - Walpole Addition**

A request by FMG, Inc. for Black Hills Regional Eye Institute to consider an application for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Tract A of Walpole Addition formerly Tract A of Walpole Addition located in SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of Cathedral Drive and Third Street.

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

Engineering Division Recommendations:

1. **Prior to City Council approval of the Preliminary Plat, construction plans showing the extension of the sidewalk along proposed Lot 2 shall be submitted for review and approval;**
2. **Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Fairmont Boulevard and Third Street except for the approved approach locations;**
3. **Prior to City Council approval of the Final Plat, the applicant shall sign an agreement granting the City the right to utilize the parking lot to access the sewer line located along the rear lot line. In addition, the plat shall be revised to eliminate the "12 foot wide access easement for sanitary sewer maintenance";**

Urban Planning Division Recommendations:

4. **Prior to City Council approval of the Final Plat, the shed located across the proposed common lot line shall be removed;**
5. **Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,**
6. **Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**

8. **No. 01PL071 - Owen Hibbard Subdivision**

A request by City of Rapid City to consider an application for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Owen Hibbard Subdivision and Tish Drive Dedicated Right of Way, all located in Tract A of Tract 1 of W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on U.S. Highway 16 north of Golden Eagle Drive and adjacent to the Old Marine Life.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 20, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

9. No. 01PL073 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 20 of Enchanted Pines Subdivision located in the S1/2 NW/14 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

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, a grading plan shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, a drainage plan shall be submitted which shall include all relative calculations and analysis for review and approval;
3. Prior to Preliminary Plat approval by the Planning Commission, complete engineering plans shall be submitted for water, sewer, streets, and storm drainage improvements for review and approval;
4. Prior to Preliminary Plat approval by the Planning Commission, an engineering evaluation for the suitability of the site for on-site waste water disposal facilities shall be provided;
5. Prior to Preliminary Plat approval by the Planning Commission, a complete master plan for future sanitary sewer extension including all easements shall be provided;
6. Prior to Preliminary Plat approval by the Planning Commission, a preliminary grade line for the extension of Enchanted Pines Drive to the future connection with Fifth Street shall be provided;

Fire Department Recommendations:

7. Prior to Preliminary Plat approval by the Planning Commission, a site plan shall be provided showing the location of all water lines and fire hydrants;
8. Prior to Preliminary Plat approval by the Planning Commission, a wild land fire mitigation plan shall be submitted for review and approval;

Transportation Planning Division Recommendations:

9. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall identify a bike path on the engineering plans for review and approval,

Air Quality Division Recommendations:

10. Prior to any construction, an Air Quality Permit shall be obtained;

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, the associated rezoning request from General Agriculture District to Low Density Residential shall be approved;

12. **Prior to Final Plat approval, a Planned Residential Development plan shall be submitted and approved;**
13. **Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide documentation on the legal status of the north/south driveway/access easement; and,**
14. **Prior to Final Plat approval by the City Council, surety shall be posted for any subdivision improvements that have not been completed and any subdivision inspection fee shall be paid.**

12. No. 01CA016 - Amendment to the Comprehensive Plan - Summary of Adoption Action

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

13. No. 01CA018 - Amendment to the Comprehensive Plan - Summary of Adoption Action

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

14. No. 01CA019 - Amendment to the Comprehensive Plan - Summary of Adoption Action

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

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

10. No. 01PL074 - Vaughn's Subdivision

A request by Davis Engineering for Ralph and Kathleen Rice to consider an application for a **Preliminary and Final Plat** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision formerly: Lot 9 Rev. and Lot 10 A all located in: S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1377 Neva Way.

Fisher advised that the applicant has requested that the Preliminary and Final Plat be denied without prejudice.

Wall moved, Mashek seconded and unanimously carried to recommend that the Preliminary and Final Plat be denied without prejudice at the applicant's request. (8 to 0)

11. No. 01PL075 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Final Plat** on Tract A, Tract B, Tract C, Lots 1 thru 24 of Minnesota Ridge Subdivision and R.O.W. of Alta Vista Drive, Middle Valley Drive, Missing Ridge Road and Recluse Court, and major drainage easements formerly a portion of Tract C Robbinsdale Addition No. 10, Block 27 of Robbinsdale No. 10, and a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and Fifth Street.

Emerson presented overhead slides and identified revisions to the lot configuration as proposed by the applicant. He indicated that staff recommends that the Final Plat be approved with the revised legal description as noted.

Scull moved, Prairie Chicken seconded and unanimously carried to recommend that the Final Plat of Tract A, Tract B, Tract C, Lot 1A and Lot1B, Lots 1-24 of Minnesota Ridge Subdivision and R.O.W. of Alta Vista Drive, Middle Valley Drive, Missing Ridge Road and Recluse Court, and major drainage easements, be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall coordinate with the Engineering Division regarding the proposed lot grading. Revised or additional drainage easements may be required based on the lot grading;

Fire Department Recommendations:

2. Prior to Final Plat approval by the City Council, temporary emergency turnarounds shall be constructed at the end of all streets that will be extended in the next phase of development;

Urban Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, the applicant shall rezone the southern half of the property from General Agriculture Zoning District to Low Density Residential Zoning District;
4. Prior to Final Plat approval by the City Council, legal access in accordance with all City standards must be provided;
5. Prior to Final Plat approval by the City Council, no more than forty dwelling units based on the combination of all developments shall have exclusive access from Alta Vista Street before a second access shall be developed;
6. Prior to Final Plat approval by the City Council, the subdivision improvement estimate form shall be completed provided for review and approval and all the subdivision inspection fees shall be paid; and,
7. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted. (8 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 Non-Hearing Consent Agenda for individual consideration.

Staff requested that Items 25 and 26 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Items 35, 41 and 50 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Items 28 and 46 be removed from the Hearing Consent Agenda for separate consideration. Hoffmann requested that Item 37 be removed from the Hearing Consent Agenda for separate consideration.

Scull moved, Hoffmann 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 25, 26, 28, 35, 37, 41, 46 and 50 . (8 to 0)

15. No. 01AN010 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Resolution of Annexation** on Tract AR2 of Needles Subdivision, Lot A of Tucker Subdivision, Tract A of Meadow View Subdivision, the 40 foot wide Tucker Street ROW located in the SE1/4 NW1/4 NW1/4, and that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16, all located within Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the property listed in the attached Resolution of Annexation, an area of 32.4 acres, more or less, be approved for annexation to the City of Rapid City.

16. No. 01UR003 - Section 20, T2N, R8E

A request by Davis Engineering for Gary and Shirley Wolff to consider an application for a **Use on Review to allow a mobile home park in the Medium Density Residential District** on SW1/4 SW1/4 and the N8/10ths of W1/4 SE1/4 SW1/4 of Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2780 143rd Avenue.

Planning Commission recommended that this item be tabled.

17. 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

approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a letter of understanding shall be submitted from the applicant allowing the proposed graveled road to serve as temporary access to the lift station and identifying a schedule for completion for the permanent surfacing for the future street. The letter shall also identify that the applicant is aware that approval of the temporary driveway entrance does not preclude the possibility of changes to alignment or grades of the future improved street upon submittal of design plans for the finished or final improvements for the future street;
2. Prior to City Council approval, the applicant shall either construct the permanent paved future street or bond for the improvement to insure completion of the paving requirement no later than November 1, 2002;
3. Prior to City Council approval, an access easement shall be recorded at the Register of Deed's Office granting the City legal access to the proposed lift station and a utility easement shall be recorded at the Register of Deed's Office to allow for the location and maintenance of the lift station;

Urban Planning Division Recommendations:

4. Prior to City Council approval, the site plan shall be revised to comply with all provisions of the Off-Street Parking Ordinance; and,
5. The Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the property other than a utility substation shall require a Major Amendment to the Use on Review.

18. **No. 01RZ037 - Section 23, T1N, R7E**

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to Public 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 Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Containing 6.90 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 Public District be approved.

19. No. 01PD038 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** 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 a point on the west boundary of Tract "A", which bears N0° 01'49"W a distance of 659.09 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; thence N42°48'20"E along the proposed centerline of Tish Drive a distance of 483.98 feet to the beginning of a curve concave to the Southeast having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S82°32'54"E a distance of 9.91feet; Thence S07°19'07"W a distance of 38.00 feet; Thence S07°19'07"W along the boundary common to said Tract "A" and Lot E, Lot A, Lot B and Lot C of the SW1/4SW1/4 of said Section 23 and distance of 800.44 feet: Thence N73°19'46"W a distance of 377.36 feet to a point on the west section line of said Section 23 and the west boundary of Tract "A"; Thence N00°01'49"W along said section line and said west boundary of Tract "A" a distance of 322.84 feet to the point of beginning. Containing 5.80 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 Planned Development Designation be approved in conjunction with the associated Office Commercial rezoning with the following stipulation:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

20. No. 01RZ039 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to Office 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 a point on the west boundary of Tract "A", which bears N0° 01'49"W a distance of 659.09 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; thence N42°48'20"E along the proposed centerline of Tish Drive a distance of 483.98 feet to the beginning of a curve concave to the Southeast having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S82°32'54"E a distance of 9.91feet; Thence S07°19'07"W a distance of 38.00 feet; Thence S07°19'07"W along the boundary common to said Tract "A" and Lot E, Lot A, Lot B and Lot C of the SW1/4SW1/4 of said Section 23 and distance of 800.44

feet: Thence N73°19'46"W a distance of 377.36 feet to a point on the west section line of said Section 23 and the west boundary of Tract "A"; Thence N00°01'49"W along said section line and said west boundary of Tract "A" a distance of 322.84 feet to the point of beginning. Containing 5.80 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 Office Commercial District be approved.

21. No. 01RZ038 - 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 a point on the north boundary of Tract "A" which bears S89°59'13"E a distance of 527.28 feet from the Northwest Corner of Tract "A", being the POINT OF BEGINNING; Thence S89°59'13"E along said north boundary of Tract "A" a distance of 304.80 feet; Thence S07°23'08"W along the east boundary of Tract "A" a distance of 537.86; Thence N82°32'54"W along the north boundary of Lot E of the SW1/4SW1/4 of said Section 23 a distance of 301.67 feet; Thence N07°18'58"E a distance of 498.40 feet to the point of beginning. Containing 3.59 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 approved.

22. No. 01PD037 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** 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 a point on the north boundary of Tract "A" which bears S89°59'13"E a distance of 527.28 feet from the Northwest Corner of Tract "A", being the POINT OF BEGINNING; Thence S89°59'13"E along said north boundary of Tract "A" a distance of 304.80 feet; Thence S07°23'08"W along the east boundary of Tract "A" a distance of 537.86; Thence N82°32'54"W along the north boundary of Lot E of the SW1/4SW1/4 of said Section 23 a distance of 301.67 feet; Thence N07°18'58"E a distance of 498.40 feet to the point of beginning. Containing 3.59 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 Planned Development Designation be approved in conjunction with the associated General Commercial rezoning with the following stipulation:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

23. No. 01PD039 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** 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 Planned Development Designation be approved with the associated General Commercial rezoning with the following stipulation:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

24. 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 approved.

27. No. 01UR037 - Nicholl's Subdivision

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 September 6, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

29. 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 east of Cambell Street and north of East St. James Street.

Planning Commission recommended that the Planning Commission acknowledge the applicant's withdrawal of the request for a 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 that 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 approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to City Council approval, the plat shall be revised to show an additional 17 foot of right-of-way along the southern 403.93 feet of Lot 2; and,**

Urban Planning Division Recommendations:

2. **Prior to City Council approval, a waiver of right to protest an assessment district for Lots 1 thru 3 of Tract 4 shall be signed.**

30. 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 23, 2001 Planning Commission meeting.

31. 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°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°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 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°24'43"E 155.36 feet; Thence N43°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°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 rezoning from General Agriculture District to General Commercial District be continued to the August 23, 2001 Planning Commission meeting in order to be heard in conjunction with the associated Comprehensive Plan Amendment.

32. 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°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°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 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°24'43"E 155.36 feet; Thence N43°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°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 23, 2001 Planning Commission meeting.

33. 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** on 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 23, 2001 Planning Commission meeting.

34. No. 01UR040 - Rushmore Regional Industrial Park
A request by Kennedy Design Group for Pioneer Credit & Debt Consolidation Services to consider an application for a **Use on Review for a Child Care Center** on Lot 2, Block 2, Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1644 Concourse Drive.

Planning Commission recommended that the Use on Review for a Child Care Center be approved with the following stipulations:

Building Inspection Division Recommendations:

1. That prior to occupancy, the applicant shall obtain a Certificate of Occupancy;

Urban Planning Division Recommendations:

2. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;
3. That a State of South Dakota Department of Social Services Day Care License shall be continually maintained;
4. Prior to City Council approval, a revised parking plan shall be submitted identifying compliance with all requirements of the Off-Street Parking Ordinance;
5. The maximum number of children to be cared for at this facility shall be forty unless a lesser number is set by the State of South Dakota, then the State identified number shall be the maximum number of children allowed;
6. That the Use On Review Shall be subject to renewal in one (1) year; and,
7. The Use on Review 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.

36. No. 01SV022 - Schimke Subdivision

A request by Polenz Land Surveying for Rose Schimke to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb and gutter and street light conduit** on Lot 5R and 6R of Schimke Subdivision formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota, more generally described as being located at 1650 Sweetbriar.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb and gutter and street light conduit be approved with the following stipulations:

Pennington County Drainage Engineer Recommendation:

1. Prior to City Council approval, a drainage ditch shall be constructed along Sweetbriar Street, or surety shall be posted for the improvement; and,

Urban Planning Division Recommendation:

2. Prior to City Council approval, a waiver of right to protest an assessment district for Lot 5R and 6R of Schimke Subdivision shall be signed.

38. No. 01PD043 - Meridian Subdivision

A request by Richard Dugie for RHL Design Group Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 5R of Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 1020 LaCrosse Street.

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

Urban Planning Division Recommendations:

1. That all requirements and stipulations of the original Planned Commercial Development and all subsequent amendments be continually met;
2. That all requirements of the Off-Street Parking Ordinance shall be continually met;
3. The all requirements of the Landscaping Ordinance shall be continually met;
4. Prior to City Council approval, a revised site plan shall be submitted identifying all proposed and existing improvements for the entire subject property for review and approval;
5. A sign permit shall be received prior to posting or construction of any signage proposed in the Major Amendment;
6. The future changing of a sign location, a decrease in sign size, a 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. However, the Planning Director has the discretion to require that any change in the sign package be reviewed and approved as a Major Amendment; and,
7. 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.

39. No. 01UR041 - Kepp Heights

A request by Remodel King for W. Angela Wessel 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 1, Block 3, Kepp Heights, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 Highland Park Drive.

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 continued to the August 23, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

40. No. 01RZ045 - Airport Subdivision

A request by Qusi Al Haj to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot A and Lot B less the South 8.5 feet of Block 28 and all of Block 25R, Airport Addition,

Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Haines Avenue between Wright Street and Curtis Street.

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

42. No. 01RZ046 - Northstar Industrial Park Subdivision

A request by Centerline Inc. for Heartland Development Group LLC to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on property described by metes and bounds beginning at the Northeast Corner of Lot D, a Section Corner, of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence S44°55'05"W, 46.61' to Point No. 1, the true point of beginning, Thence S0°00'39"E, 1292.72' to Point No. 2, Thence S89°48'56"W, 1292.41' to Point No. 3, Thence N0°00'53"W, 1292.15' to Point No. 4, Thence N89°47'25"E, 1292.50' to the true point of beginning, this parcel contains 38.3472 acres, more or less, more generally described as being located southwest of Seger Drive and Dyess Avenue intersection.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved.

43. No. 01PD044 - The Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A of The Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of The Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of The Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E 140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing 1.71 acres more or less, more generally described as being located at the intersection of Derby Lane and Minnesota Street.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development be continued to the August 23, 2001 Planning Commission meeting.

44. No. 01RZ047 - The Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on a tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of the Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of the Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E 140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing .71 acres more or less, more generally described as being located at the intersection of Derby Lane and Minnesota Street.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be continued to the August 23, Planning Commission meeting.

45. No. 01CA024 - Section 18, T1N, R8E

A request by FMG, Inc. for Harold Bies 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 Medium Density Residential District to Office Commercial District with a Planned Commercial Development on a tract of land located in the SE 1/4 of NE 1/4 of Section 18, T1N, R8E, BHM, Rapid City, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 3095 which is the southwest corner of Tract 1 of Richland Estates Subdivision in SE 1/4 of NE 1/4 of Section 18, T1N, R8E, BHM, Rapid City, South Dakota, Thence S89°45'50"E a distance of 536.44', more or less, to a point; Thence S00°25'08"W a distance of 276.29', more or less, to a point; Thence N89°34'52"W a distance of 533.80', more or less, to a point; Thence N00°07'59"W a distance of 274.59', more or less, to the Point of Beginning and containing 3.384 acres more or less, more generally described as being located west of U.S. Highway 79 and north of Minnesota Street.

Planning Commission recommended that the Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.384 acre parcel from Medium Density Residential District to Office Commercial District with a Planned Commercial Development be approved.

47. No. 01RZ048 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Rezoning from General Agriculture District to Low Density**

Residential District on S1/2 NE1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and Fifth Street.

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

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

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use on Review to allow Communication Tower in Public 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 Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. containing 6.90 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 Use on Review to allow a Communication Tower in the Public Zoning District be continued to the September 20, 2001 Planning Commission meeting to allow the applicant time to provide the required information.

49. No. 01TI003 - Section 16, T1N, R7E

A request by City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District No. 25** on E1/2 NE1/4, Section 16, T1N, R7E, BHM, containing 80 acres more or less; and Lot 3 Pine View Terrace Subdivision, containing 6.222 acres more or less; and Lot 2 less Lot H1, Pine View Terrace Subdivision, containing 27.549 acres more or less; and Tract 2 & Tract 4, Pine View Terrace Subdivision, containing 36.470 acres more or less; and W1/2 NE1/4 SE1/4, Section 16, T1N, R7E, BHM, containing 20 acres more or less; and Lot 1, Pine View Terrace Subdivision, containing 3.220 acres more or less; and SE1/4 SE1/4 less Lot 1, Section 16, T1N, R7E, BHM, containing 36 acres more or less; and Lot 1 of SE1/4 SE1/4, Section 16, T1N, R7E, BHM, containing 3.00 acres more or less; and N1/2 NW1/4 NE1/4 less Lot in Block 1-3 of Parkridge Village, Section 16, T1N, R7E, BHM, containing 12.150 acres more or less; and Balance of W1/2 NE1/4 less Lot 1, Section 16, T1N, R7E, BHM, containing 23.340 acres more or less; and Lot 1 of SW1/4 NE1/4, Section 16,

T1N, R7E, BHM, containing 3.030 acres more or less; and Lot C of E1/2 SW1/4 Section 16, T1N, R7E, BHM, containing 8.00 acres more or less; and N200' of S940' of W450' of Tract A SE1/4 SW1/4, Section 16, T1N, R7E, BHM, containing 2.070 acres more or less; and Tract A in SE1/4 SW1/4 less N200' of S940' of W450', Section 16, T1N, R7E, BHM, containing 28.34 acres more or less; and E1/2 NE1/4 SE1/4, Section 16, T1N, R7E, BHM, containing 20 acres more or less; all located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Corral Drive and west of Arrowhead Country Club.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 25 be approved.

---END OF HEARING CONSENT CALENDAR---

Emerson requested that Items 25 and 26 be considered concurrently.

25. No. 01PD031 - Marshall Heights Tract
A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for an **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.

26. No. 01PD032 - Marshall Heights Tract
A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for an **Initial and Final 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.

Emerson advised that the applicant has requested that Initial and Final Planned Commercial Developments No. 01PD031 and No. 01PD032 be denied without prejudice.

Discussion followed.

Scull moved, Hoffman seconded and unanimously carried to recommend that Initial and Final Planned Commercial Developments No. 01PD031 and No. 01PD032 be denied without prejudice at the applicant's request. (8 to 0)

28. 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 west of S. Highway 79 and north of Minnesota Street.

In response to a question from Kooiker, Elkins indicated that easements have been secured in addition to the dedicated right-of-way that will allow the expansion of Minnesota Street to five lanes in the future. She added that the Engineering staff has worked with the applicant to resolve this issue as there are significant wet lands located on the north side of the property.

Wevik noted that 80 feet of right-of-way would be dedicated along with a 10 foot easement.

Kooiker moved, Mashek 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 approved with the stipulation that a ten foot wide pedestrian access and utility easement be provided along the south property line of Lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Heartland Drive. (8 to 0)

35. No. 01RZ044 - Braeburn Addition

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot A of Lot 6 of Tract

B of Braeburn Addition, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Chapel Valley, south of the Fish Hatchery and east of SD Highway 44.

Wall requested clarification concerning the written comments that were received regarding this application.

Bulman explained that written comment received from Jim Hanley, the neighbor located to the south of the subject property, was inadvertently omitted from the Planning Commission packet. She noted that the owner of the adjacent property objected to any residential construction on the subject property and had stated that no access to the property would be granted. Bulman added that the property was annexed as it was wholly surrounded by Rapid City limits. She stated that the property consists primarily of a steep cliff, noting that there is currently no legal access to the property. She indicated that it would be extremely difficult to meet the requirements to develop this property.

Discussion followed concerning lots platted in the past with no legal access.

In response to a question from Kooiker, Elkins explained that the property is currently zoned No Use and a new zoning designation must be given noting that adjacent properties are zoned Low Density Residential District.

Discussion followed concerning the process to rezone property after annexation into the City limits.

Kooiker moved and Wall seconded to recommend that the Rezoning from No Use District to Low Density Residential District be approved.

Greg Nielson, area property owner, concurred with the objections expressed in the letter written by Jim Hanley. He expressed concern that the property could possibly be developed if the Low Density Residential zoning designation is granted. He noted that prior to the 1972 flood a bridge crossed Rapid Creek near this property. He requested clarification concerning whether a new bridge could be constructed to provide access to the property, if a portion of his property could be condemned to provide access to the subject property, and if he could be assessed costs for the construction of access to the property.

Elkins responded that while legally, a bridge could be constructed across Rapid Creek, it would be difficult to meet the floodplain requirements. She added that a property owner could approach the City Council and request condemnation of property for access. She noted that the City Attorney's office has indicated that costs for road improvements cannot be assessed back to the property owner if the City condemns the access.

Discussion followed concerning the zoning districts adjacent to the subject property and the purpose of the No Use Zoning District, Flood Hazard Zoning District and Low Density Residential Zoning District.

Nielson stated that he wanted the City to guarantee that they will not be forced to give access to the subject property if it is rezoned.

Wevik indicated that the property is legally platted and that the owner of the property is entitled to exercise any rights granted under State law.

Discussion followed concerning ownership of the subject property.

Elkins indicated that the property was zoned Suburban Residential District in Pennington County prior to annexation. She explained that the Low Density Residential Zoning District is comparable to the previous County zoning designation on the property.

Nielson requested that the property be left in the No Use Zoning District and again requested that the Planning Commission guarantee that nothing would be constructed on the property and no access would be given through any of the existing adjacent residential properties.

Discussion followed concerning the procedures for annexation and rezoning and the purpose of the No Use Zoning District.

Swedlund indicated to Nielson that the Planning Commission could give no guarantees. He added that the use of the property can be made as regulated by State law and the Planning Commission cannot preclude access to the property noting that the possible condemnation of access would need to be addressed as a private legal matter.

Discussion followed concerning the purpose of the Flood Hazard Zoning District, the potential for condemnation of property to provide access to the subject property, assessment projects, condemnation procedures in Pennington County, access to the property via a bridge across Rapid Creek, and further research into zoning the property to Flood Hazard District.

Swedlund moved, Scull seconded and unanimously carried to call the question. (8 to 0)

The motion carried unanimously to recommend the Rezoning from No Use District to Low Density Residential District be approved. (8 to 0)

37. No. 01CA023 - Comprehensive Plan Amendment - Amendment to the Major Street Plan

A request by Leo Hamm Family Ranch, LLC to consider an application for the **proposed removal of the minor arterial road and revise the location of the western (north-south) minor arterial in Section 28, T1N, R7E, BHM, from the Major Street Plan.**

Hoffman expressed concern that the proposed amendment will direct traffic south from this area as opposed to directly east to Sheridan Lake Road.

Elkins advised that the eastern route as currently identified on the Major Street Plan is not feasible as it would require crossing a canyon approximately 150 to 200 feet deep necessitating the construction of a major suspension bridge at significant cost. She added that staff reviewed the alternatives noting that the physical restraints created by the canyon dictate that the location for a connection in this area be moved to the south as proposed in the amendment.

Discussion followed concerning the developable portion of the applicant's property, the topography along the section line, and the size of proposed collector and arterial streets in the area.

Swedlund moved, Mashek seconded and unanimously carried to recommend that the Comprehensive Plan Amendment - Amendment to the Major Street Plan be approved. (8 to 0)

41. No. 01OA013 – Ordinance Amendment

A request by M & K Consulting for Western Wireless Corporation to consider a **request to amend Section 17.22.030 of the Rapid City Municipal Code to allow Communication Towers as a Use on Review in the Light Industrial Zoning.**

In response to a question from Wall, Elkins indicated that communication towers are currently permitted as a Use On Review in the General Commercial and General Agriculture Zoning Districts. She added that the proposed amendment is consistent with the intent of the draft comprehensive ordinance amendment currently under development to address communications towers in a broader scope.

Discussion followed concerning the current practice of the collocation of radio, television and cellular communications broadcast equipment on communications towers.

Wall requested clarification concerning whether a Use On Review will be required with each application for a communication tower.

Elkins responded that a Use On Review and notification to adjacent property owners are required under the current ordinance and proposed amendment.

Wall moved, Prairie Chicken seconded and unanimously carried to recommend that the Request to Amend Section 17.22.030 of the Rapid City Municipal Code to allow Communication Towers as a Use on Review in the Light Industrial Zoning District be approved. (8 to 0)

46. No. 01CA025 - Section 18, T1N, R8E

A request by FMG, Inc. for Harold Bies 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 Medium Density Residential District to General Commercial District with a Planned Commercial Development on the western 385 feet of a tract of land located in the SE 1/4 of NE 1/4 of Section 18, T1N, R8E, BHM, Rapid City, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 3095 which is the southeast corner of Tract 1 of Richland Estates Subdivision in SE 1/4 of NE 1/4 of Section 18, T1N, R8E, BHM, Rapid City, South Dakota, Thence S89°45'50"E a distance of 40', more or less, to a point; Thence S00°06'28"E a distance of 278.64', more or less, to a point; Thence N89°34'52"W a distance of 735.02', more or less, to a point; Thence N00°25'08"E a distance of 276.29', more or less, to a point; Thence S89°45'50"E a distance of 692.46', more or less, to the Point of Beginning, said tract of land contains approximately 2.44 acres more or less, more generally described as being located west of U.S. Highway 79 and north of Minnesota Street.

Kooiker advised that his question on this item was answered during the discussion on Item 28.

Kooiker moved, Swedlund seconded and unanimously carried to recommend that the Amendment to change the future land use designation on a 2.44 acre parcel from Medium Density Residential District to General Commercial District with a Planned Commercial Development be approved. (8 to 0)

50. 2002 Capital Improvements Program – Jim Preston

Wall requested that Preston make a brief presentation of the Capital Improvement Program.

Jim Preston, City Finance Officer, advised that South Dakota State Law requires approval of any Comprehensive Plan by the Planning Commission prior to adoption by the City Council. He identified the Capital Improvement Committee membership noting that ½ of the second penny of City Sales Tax is restricted to use for Capital Improvements. He reviewed the documents.

Swedlund requested clarification concerning the scope of the work expected in 2004 for the Public Safety Department's evidence building. Preston responded that additional storage space is needed for recovered stolen goods and other items and the acquisition of additional property or the construction of a new building to house these items is proposed. Swedlund expressed concern that the existing evidence building located on Saint Joseph Street is a visual atrocity and he requested that the Capital Improvement Committee work to provide a more appropriate structure in 2004. Preston advised that he would place Swedlund on the agenda to appear before the Capital Improvements Committee to address this item.

Discussion followed concerning current and anticipated expenditures for street and drainage improvements.

Wall moved and Swedlund seconded to recommend that the 2002 Capital Improvement Program Plan be approved.

Discussion followed concerning how the prioritization of street improvement projects is determined.

The motion carried unanimously to recommend that the 2002 Capital Improvements Program Plan be approved. (8 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

51. 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.

Elkins noted that this item was continued from the July 26, 2001 Planning Commission meeting to allow the applicant to meet with GCC Dakota and Pete Lien and Sons concerning the frequencies of emissions from the proposed cellular tower. She advised that the applicant has indicated that they have a conceptual agreement with GCC Dakota that there will be no impact to their blasting operations. She added that the applicant has also advised that their technical staff from Washington D.C. will be providing a letter to GCC Dakota to confirm that understanding. She explained that the applicant has scheduled a meeting at 10:00 a.m. today to meeting with Pete Lien and Sons noting that the applicant does not believe there is any conflict between the two uses.

In response to a question from Kooiker, Elkins indicated that the applicant has proposed a 100 foot tower at this location.

Kooiker moved and Hoffmann seconded to recommend that the Use On Review to allow a communication tower in the General Agriculture 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;**

Building Inspection Division Recommendations:

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

Urban Planning Division Recommendations:

5. 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);
6. 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;
7. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
8. No commercial advertising signage shall be allowed on the tower;
9. That all requirements of the Off-Street Parking Ordinance shall be continually met;
10. 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; and,

Planning Commission Recommendation:

11. That the tower height shall not exceed 100 feet.

Discussion followed concerning the impact of the height limitation for the proposed tower.

Wevik made a friendly amendment to the motion to include an additional stipulation stating: That prior to City Council approval the applicant shall provide written documentation from GCC Dakota and Pete Lien and Sons indicating that issues concerning the broadcast frequencies have been resolved. Kooiker and Hoffmann accepted the amendment.

In response to a question from Kooiker, the applicant indicated that there will be no lights on the tower and no security lights in the tower compound to interfere with the activities at the existing observatory.

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

The motion carried to recommend that the Use On Review to allow a communication tower in the General Agriculture 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;

Building Inspection Division Recommendations:

2. A Building Permit shall be obtained prior to any construction;
3. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;

4. **A Certificate of Completion shall be obtained prior to any use of the tower;**

Urban Planning Division Recommendations:

5. **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);**
6. **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;**
7. **The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;**
8. **No commercial advertising signage shall be allowed on the tower;**
9. **That all requirements of the Off-Street Parking Ordinance shall be continually met;**
10. **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;**

Planning Commission Recommendation:

11. **That the tower height shall not exceed 100 feet; and,**
12. **That prior to City Council approval, the applicant shall provide written documentation from GCC Dakota and Pete Lien and Sons indicating that issues concerning the broadcast frequencies have been resolved. (7 to 0 with Swedlund abstaining)**

52. **No. 01UR031 - Park Addition No. 2 Addendum**

A request by Dream Design International to consider an application for a **Major Amendment to a Use On Review to revise the conditions of approval for an On-Sale Liquor Establishment** on Lot F less Lot F-1, Park Addition No. 2, Section 6 (also in Section 1, T1N, R7E), T1N, R8E, BHM, and Lot A of E of Government Lot 4 and 5, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 200 East Main Street.

Elkins noted that the Planning Commission approved a Use On Review for an On-Sale Liquor Establishment for this property two years ago. She explained that the applicant has still not met the conditions of approval and is now requesting that the requirement to restrict access on the west end of the property be waived in response to Code Enforcement attempts to gain compliance. She presented the slides, identified the current use on the property, and reviewed the approved access requirements. She advised that staff recommends denial of the requested Major Amendment to revise the conditions of approval.

Discussion followed concerning landscaping requirements that have not been met.

Hani Shafai of Dream Design, Inc. advised that he represents the property owner. He requested that this item be continued to the August 23, 2001 Planning Commission meeting in order to meet with the applicant and with staff to resolve this issue.

Swedlund moved and Wall seconded to recommend that the Major Amendment to a Use On Review to revise the conditions of approval for an On-Sale Liquor Establishment be continued to the August 23, 2001 Planning Commission meeting at the applicant's request.

Scull expressed concern that the applicant has not completed access improvements as agreed. He requested clarification concerning why the access improvements have not been completed.

Shafai responded that the applicant has indicated that he wants to keep the western access open to allow easy access for beer delivery trucks. He expressed concern that the approach off of Saint Joseph Street is not adequate for beer trucks and/or fire trucks.

Discussion followed concerning access for delivery vehicles, the use of bollards as opposed to curb and gutter, and grading requirements to allow proper drainage.

In response to a question from Wall, Elkins stated that because all of the conditions of approval have not been met, a permanent Certificate of Occupancy has not been issued.

Wevik encouraged the applicant to resolve this issue prior to the next Planning Commission meeting.

The motion unanimously carried to recommend that the Major Amendment to a Use On Review to revise the conditions of approval for an On-Sale Liquor Establishment be continued to the August 23, 2001 Planning Commission meeting at the applicant's request. (8 to 0)

53. 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 advised that this item was continued from the July 26, 2001 Planning Commission meeting. He stated that staff does not support the vacation of right of way noting that staff feels Luna Avenue is an important link for the local street network and provides options in the area for the future for both the traveling public and emergency services. Emerson indicated that staff met with the

applicant and the adjoining property owner noting that the adjoining property owner objects to the vacation of Luna Avenue.

Swedlund stated that he feels if Luna Avenue is vacated Pine Street should be constructed.

In response to a question from Wall, Emerson explained that there are no public utilities located in Luna Avenue; however, he added that there are private utilities and easements would need to be retained if the street was vacated.

Wall expressed concern that additional hotel development in this area with the current unimproved roads may create significant safety issues. He indicated that if Luna Avenue is vacated, he feels Pine Street should be improved from Latrobe to Farnwood.

Swedlund noted that he supports the vacation of Luna Avenue if Pine Street is improved.

Doug Sperlich distributed a map showing the possible neighborhood street connections if Luna Avenue was vacated. He presented his concept for traffic flows along the local street network in the future. He added that the applicant is willing to sign a waiver of right to protest future improvements to Pine Street.

Discussion followed concerning fire access to the existing hotels and the proposed hotel, and the applicant's need for use of the vacated property to meet parking requirements for the proposed hotel, the future area street network as proposed by Sperlich, and the cost and responsibility for improving Pine Street to City Street Standards.

Swedlund moved to continue the Vacation of Right of Way request to the August 23, 2001 Planning Commission meeting and to direct staff to prepare a staff report recommending approval of the Vacation of Right of Way with appropriate conditions.

The motion died due to the lack of a second.

Kooiker moved and Scull seconded to recommend that the Vacation of Right of Way be denied.

Swedlund spoke against the motion and stated that he does not feel that the vacation of Luna Avenue creates any public safety issues.

Wevik concurs with Swedlund and stated that he feels the fundamental issue is that Pine Street needs to be improved today.

Discussion followed concerning the potential for the creation of an assessment district to improve Pine Street.

Emerson advised that the adjacent property owners have no interest in an assessment district.

Discussion followed concerning the procedures for the creation of assessment districts and the requirements for the improvement of roads at the time of development.

Wall moved and Prairie Chicken seconded to recommend that the Vacation of Right of Way be approved with the condition that appropriate utility easements be maintained.

Sperlich advised that the Out of the Dust Program could be used to pay as much as 40% of the construction costs for Pine Street.

Kooiker expressed concern that if Luna Avenue was vacated prior to the formation of an assessment district Pine Street may remain unimproved. He stated that he feels the applicant should request the assessment district first.

Kooiker made a substitute motion to recommend that the Vacation of Right of Way be denied without prejudice to allow the applicant to form an assessment district for the improvement of Pine Street.

The substitute motion died due to a lack of a second.

Scull made a friendly amendment to the motion to require that the applicant sign a waiver of right to protest future assessments. Wall and Prairie Chicken accepted the amendment.

The motion carried to recommend that the Vacation of Right of Way be approved with the condition that appropriate utility easements be maintained and with the requirement that the applicant sign a waiver of right to protest future assessments. (7 to 1 with Kooiker voting no)

Wall moved and Scull seconded to recommend that an assessment district be requested for Pine Street from Latrobe to Farnwood and to encourage the use of Out of the Dust program funds in conjunction with the proposed assessment district.

Discussion followed concerning the potential use of Capital Improvement funds to build Pine Street.

The motion carried to recommend that an assessment district be requested for Pine Street from Latrobe to Farnwood and to encourage the use of Out of the Dust program funds in conjunction with the proposed assessment district. (8 to 0)

Prairie Chicken left the meeting at this time.

54. No. 01RZ043 - Una Del Acres #2

A request by Davis Engineering for Donald Carlson and Isaura Hansen to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 1 less Lot H1 and Lot 2, Una Del Acres #2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5504 and 5508 Wildwood Drive.

Ron Davis advised that proper notification by certified mail was not completed and he requested that the Rezoning request be continued to the August 23, 2001 Planning Commission meeting to allow corrected notice letters to be mailed.

Kooiker stated that he does not feel this item should be continued as he does not feel the property is appropriate for commercial zoning.

Elkins explained that if proper notice was not given the request must be continued to the next meeting to allow the proper notification of all affected property owners.

Scull moved and Kooiker seconded to recommend that the Rezoning request be continued to the August 23, 2001 Planning Commission meeting to allow the certified mailing to be completed. (7 to 0)

Wall expressed concern that a number of people in the audience waited through the entire meeting to speak to this issue. He requested that the rezoning request be placed prior to hearing of the Consent Calendar on the August 23, 2001 Planning Commission agenda.

Scull amended the motion and Kooiker accepted the amendment and unanimously carried to continue Rezoning application No. 01RZ043 to the August 23, 2001 Planning Commission and to consider it as the first item on the agenda. (7 to 0)

55. No. 01PL072 - Northstar Industrial Park Subdivision

A request by Centerline Inc. for Heartland Development Group LLC to consider an application for a **Layout and Preliminary Plat** on Lots 1 thru 10 and Drainage Lot 11 in Block 1 and Lots 1 thru 12 in Block 2 of Northstar Industrial Park Subdivision located in the NE1/4 of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Seger Drive and Dyess Avenue intersection.

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

Swedlund moved, Wall seconded and unanimously carried to recommend that Layout and Preliminary Plat be continued to the August 23, 2001 Planning Commission meeting at the applicant's request. (7 to 0)

56. No. 01UR043 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **Major Amendment to a Use On Review for Meadowbrook Golf Course to allow a temporary Pro Shop/Office** on Tract 4 and the north 27 feet of vacated Flormann Street, Rapid City Greenway Tracts, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Meadowbrook Golf Course Clubhouse, 3625 Jackson Boulevard.

Swedlund moved and Scull seconded to recommend approval of the Major Amendment to the Use On Review for Meadowbrook Golf Course with the following stipulations:

Engineering Division Recommendations:

1. **Prior to City Council approval, a revised site plan shall be submitted identifying the location of the portable chemical toilets within the parking lot;**

Fire Department Recommendations:

2. **Prior to issuance of a Certificate of Occupancy, the Fire Department shall inspect the structure to insure compliance with all Fire Safety Codes;**

Building Inspection Department Recommendations:

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

Transportation Planning Division Recommendations:

4. **Prior to City Council approval, a revised site plan shall be submitted identifying the location of the temporary trailer a minimum of 150 feet west of the east parking lot approach;**
5. **That the bike path along the frontage of the parking lot shall remain clear of obstructions at all times; and,**

Urban Planning Division Recommendations:

6. **That the Use On Review shall be valid from August 21, 2001 to May 31, 2002.**

Kooiker requested clarification regarding the area proposed to be used for the temporary structures. He expressed concern that the property is zoned Flood Hazard District.

Elkins explained that the property is zoned Flood Hazard and that the proposed temporary structures would be located in the 500 year flood plain and would not be located in the hydraulic floodway. She added that the parking lot and the club house location are some of the few areas on the property that can be built in compliance with FEMA regulations and the adopted City policy concerning structures in the flood plain.

Mark Pluimer, representing Hills Alive Festival, expressed concern they were told that temporary structures were not allowed in the Flood Hazard Zoning District. He stated that he does not believe the City's policy is being consistently applied that temporary structures are not allowed.

Elkins noted that the Hills Alive Festival event was requested to move the temporary structures that they had located in the hydraulic floodway in Memorial Park. She added that the risk is significantly lower in the 500 year flood plain and she indicated that the City has been consistent in enforcing it's policy concerning locating structures in the hydraulic floodway with the exception of action taken by City Council on Monday night where the City Council approved rezoning a portion of the hydraulic floodway for a private individual.

Swedlund moved and Scull seconded to call the question. Upon roll call vote the motion to call the question carried. (4 to 3 with Swedlund, Scull, Hoffmann and Mashek voting yes and with Kooiker, Wall and Wevik voting no)

The motion carried to recommend approval of the Major Amendment to the Use On Review for Meadowbrook Golf Course with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the portable chemical toilets within the parking lot;**

Fire Department Recommendations:

- 2. Prior to issuance of a Certificate of Occupancy, the Fire Department shall inspect the structure to insure compliance with all Fire Safety Codes;**

Building Inspection Department Recommendations:

- 3. A Building Permit shall be obtained prior to any construction and Certificate of Occupancy shall be obtained prior to occupancy;**

Transportation Planning Division Recommendations:

- 4. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the temporary trailer a minimum of 150 feet west of the east parking lot approach;**
- 5. That the bike path along the frontage of the parking lot shall remain clear of obstructions at all times; and,**

Urban Planning Division Recommendations:

- 6. That the Use On Review shall be valid from August 21, 2001 to May 31, 2002. (5 to 2 with Wall and Kooiker voting no)**

Kooiker moved, Wall seconded and unanimously carried to continue the balance of the Agenda items to the August 23, 2001 Planning Commission meeting and there being no further business, the meeting was adjourned at 9:40 a.m. (7 to 0)