

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 23, 2001

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

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

Chairperson Wevik called the meeting to order at 7:03 a.m.

1. 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.

Emerson presented the request and noted the Wildwood Homeowner's Association's opposition to any commercial development on the west side of Sheridan Lake Road. He added that staff does not support the requested rezoning as it is an intrusion into the established residential neighborhood. He added that there is adequate General Commercial zoning in this area on the east side of Sheridan Lake Road. He recommended that the Rezoning from Low Density Residential District to General Commercial District be denied.

Ron Davis, agent for applicant, stated that the construction of the intersection of Catron Boulevard at Sheridan Lake Road has reduced the value of the applicant's property. He noted that some type of buffering is typically required between commercial and residential properties. He requested that the Rezoning request be denied without prejudice so that the applicant can initiate discussions with the area property owners concerning the potential for Office Commercial zoning on the property.

Swedlund moved and Mashek seconded to recommend that the Rezoning from Low Density Residential District to General Commercial District be denied without prejudice at the applicant's request.

In response to a question from Prairie Chicken, Elkins advised that legal notice had been mailed to area property owners since the last Planning Commission meeting.

Don Carlson, applicant, advised that he feels the construction of Catron Boulevard, the installation of the traffic signal and the removal of trees in front of his home have reduced the value of his property for residential purposes. He

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stated that he feels the property is now more appropriately suited for Office Commercial uses.

Sharon Beal, representing the Wildwood Homeowner's Association, stated that the association is opposed to commercial zoning on the west side of Sheridan Lake Road. She expressed concern that the proposal would result in spot zoning and would increase traffic through the residential neighborhood and cause safety concerns for children.

Lucy Mahlendorf, area resident, expressed strong opposition to the proposed rezoning request noting that she feels the increase in traffic and commercial activities would negatively impact the existing residential neighborhood.

Swedlund requested clarification concerning whether the Wildwood Homeowner's Association would support Office Commercial zoning and an office building on the subject property

Beal responded that the Wildwood Homeowner's Association is opposed to any type of commercial zoning on the west side of Sheridan Lake Road. She indicated that they are interested in the preservation of the full residential neighborhood. She expressed concern that if this request is granted additional requests for rezoning will follow.

Davis noted that he does not believe this would constitute spot zoning as there is General Commercial property located directly across the street from the subject property.

Paula Zuccaro, Wildwood resident, advised that she is opposed to General Commercial zoning, but that she had no objection to Office Commercial zoning of the property.

Bob Bickett, area property owner, spoke in opposition to the proposed rezoning request.

Carlson advised that the 17 acre property located to the north of the subject property is the future site of the Calvary Lutheran Church. He expressed his opinion that the Church use would be similar to an Office Commercial use.

The motion carried to recommend that the Rezoning from Low Density Residential District to General Commercial District be denied without prejudice at the applicant's request. (10 to 0)

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 5 and 13 be removed from the Non-Hearing Consent Agenda for separate consideration. Prairie Chicken requested

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that Item 8 be removed from the Non-Hearing Consent Agenda for separate consideration. Kooiker requested that Items 20 and 22 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Kooiker seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 22 in accordance with the staff recommendations with the exception of Items 5, 8, 13, 19, 20 and 22. (10 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

2. Approval of the August 9, 2001 Planning Commission Meeting Minutes.
3. No. 01AN013 - Section 13, T2N, R7E (Northbrook Village Subdivision)
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road.

Planning Commission recommended that the Petition for Annexation be approved.

4. No. 01AN014 - Johnson School Subdivision
A request by Geiger Architecture for Rapid City School District, West River Electric Association, William C. Gikling, and the State of South Dakota Department of Transportation to consider an application for a **Petition for Annexation** on Lot 1, Less Lot H-1, Lot 2 and Lot 3 less Lot H-1, all in Block Two (2), Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Shadow Drive lying north of Lots 1, 2, 3, and 4 less the H lot in Lot 4, in Block 1 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1 less the H lot in Lot 1, 2, 3 and 4 less the H-lot in Lot 4, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 6 less the H lot in Lot 6, 7, 8 and 9 less the H-lot in Lot 9, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Shadow Drive lying south of Lots 6, 7, 8 and 9 less the H lot in Lot 6, in Block 1 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 2 of Lot D in NW1/4 of NE1/4; Lot C, School lot and lot RS all in Johnson School Subdivision in NW1/4 of NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Inca Drive lying west of Lot C in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of School Drive that has not previously been vacated lying north of Lot B in the NW1/4 NE1/4 and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and the NW1/4 NE1/4 in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The west border of this portion of School Drive consists of a line from the northeast corner of the H lot in Lot A of the NE1/4 NW1/4 and

the NW1/4 NE1/4 in Johnson School Subdivision to the southeast corner of Lot 8 in Block 2 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Lot 1 of Lot D, and Lot B of Lot 1 of Lot D, and Lot B, all in the NW1/4 NE1/4; and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and Lot A less the H lot in Lot A of the NW1/4 NE1/4, all in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of the Highway 44 ROW that lies immediately south of Lot 2 of Lot D in the NW1/4 NE1/4; Lot A of Lot 1 of Lot D, and Lot B of Lot 1 of Lot D and Lot B, all in NW1/4 NE1/4; and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and the NW1/4 NE1/4 all in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of the southeast connector right-of-way that is designated as the H Lots and filed of record in: Books of Plats 9 Highway on Page 68; Books of Plats 9 Highway on Page 69; Books of Plats 9 Highway on Page 70; Books of Plats 9 Highway on Page 71; Books of Plats 9 Highway on Page 72; Books of Plats 9 Highway on Page 73; and, Books of Plats 9 Highway on Page 89, more generally described as being located at the intersection of S.D. Highway 44 and Twilight Drive.

Planning Commission recommended that property listed in the attached Petition for Annexation, an area of 20.57 acres, more or less, be approved for annexation.

6. No. 01PL052 - Buffalo Ridge Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the September 20, 2001 Planning Commission meeting to allow the applicant to submit additional information and to revise the construction plans accordingly.

7. 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 approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, revised drainage plans shall be submitted for review and approval;
2. Prior to City Council approval of the Preliminary Plat, construction plans for the sidewalk on the east side of Derby Lane shall be

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submitted for review and approval

Urban Planning Division Recommendations:

3. Prior to City Council approval of the Final Plat, the associated Comprehensive Plan Amendment, rezoning request, and Major Amendment shall be approved;
4. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,
5. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

9. **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 approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Plat, the exposed cable shall be properly buried in the utility easement designated on the north side lot line;

Transportation Planning Division Recommendations:

2. Prior to City Council approval of the Final Plat, the plat shall be revised to include a non-access easement along the entire frontage of South Dakota Highway 79; and,

Urban Planning Division Recommendations:

3. Prior to City Council approval, the south 50 feet of Lot 4R shall be rezoned from General Commercial and Medium Density Residential to Light Industrial Zoning District.

10. **No. 01PL066 - Reed Estates Subdivision**

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

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

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, a revised plat shall be submitted identifying a revised twenty foot wide drainage including the entire drainage ditch and excluding the fence.

11. No. 01PL076 - Northbrook Village Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 1, Block 1; Lots 1-13, Tract A & Outlot C, Block 2; Lots 1-12, Block 3; Lots 1-29 & Outlot B, Block 4; Lots 1-8, Block 5; Lots 1-3 & Outlot A, Block 6; Lots 1-13, Block 7 & Lots 1-27, Block 8, Northbrook Village Subdivision, located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road.

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, revised engineering plans shall be submitted for review and approval;
2. Prior to City Council approval of the Final Plat, the applicant shall complete an agreement with the City for future upgrades to the sanitary sewer lift station;
3. Prior to City Council approval of the Final Plat, the applicant shall enter into an agreement for the purchase of the Outlots;

Fire Department Recommendations:

4. Prior to City Council approval of the Preliminary Plat, the applicant shall delineate an emergency temporary turnaround at the end of all streets;

Transportation Planning Division Recommendations:

5. Prior to City Council approval of the Final Plat, the applicant shall provide non-access easements as identified on the red-lined engineering plans;

Emergency Service Communication Center Recommendations:

6. Prior to City Council approval of the Final Plat, the applicant shall submit alternative names for "Offensive Drive" and for the north/south segment of "Viking Drive"

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, all lots shall meet the width to length requirements of the Subdivision Regulations or a Subdivision Variance shall be obtained;
8. Prior to Final Plat approval by the City Council, the subject property shall be annexed into the City of Rapid City and shall be zoned Low Density Residential with a Planned Residential Development;
9. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid;
10. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted; and,

Air Quality Division Recommendations:

11. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit.

12. No. 01PL077 - Par Subdivision

A request by Doug Sperlich for Don Phillips to consider an application for a **Layout Plat** on Lots 1 thru 5 of Lot 1 of Tract 1 of Par Subdivision (formerly Lot 1 of Tract 1 of Par Subdivision) located in the SE1/4 of the SE1/4 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Catron Boulevard and Tartan Court.

Planning Commission recommended that the City Council acknowledge the applicant's request to withdraw the Layout Plat.

14. No. 01PL079 - Lowe's Subdivision

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Haines Avenue between Mall Drive and Disk Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 20, 2001 Planning Commission meeting and that the plat request be approved as a Layout Plat with the following stipulations:

Engineering Division Recommendations:

1. Prior to Planning Commission approval of the Preliminary Plat, a topographic survey by a licensed surveyor shall be submitted for review and approval;
2. Prior to Planning Commission approval of the Preliminary Plat, a grading plan and a complete drainage plan shall be submitted for review and approval;
3. Prior to Planning Commission approval of the Preliminary Plat, road construction plans for the shared access easement shall be submitted for review and approval;
4. Prior to Planning Commission approval of the Preliminary Plat, a traffic analysis shall be submitted for review and approval;
5. Prior to Planning Commission approval of the Preliminary Plat, road construction plans for Mall Drive and Haines Avenue shall be submitted for review and approval;
6. Prior to Planning Commission approval of the Preliminary Plat, water plans shall be submitted for review and approval identifying the extension of the water main along Mall Drive;
7. Prior to Planning Commission approval of the Preliminary Plat, sewer plans shall be submitted for review and approval;
8. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

9. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Disk Drive;

Fire Department Recommendation:

10. Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted showing the location of proposed fire hydrants on the subject property;

11. All provisions of the Uniform Fire Code shall be met;

Urban Planning Division Recommendations:

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

13. 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.

15. **No. 01PL080 - Farrar Business Park**

A request by Ferber Engineering Company for Farrar Real Estate, LLP to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5 of Farrar Business Park, formerly N1/2 of the SE1/4 Section 16, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Deadwood Avenue North lying east of the Interstate 90 Right of Way.

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, revised engineering plans shall be submitted for review and approval;
2. Prior to City Council approval of the Preliminary Plat, the applicant shall provide documentation on the suitability for on-site waste water disposal systems;

Fire Department Recommendations:

3. Prior to City Council approval of the Preliminary Plat, the applicant shall delineate an emergency temporary turnaround at the end of all streets;

Transportation Planning Division Recommendations:

4. Prior to Final Plat approval by the City Council, a non-access easement shall be delineated along the Deadwood Avenue except for approved approach locations

Urban Planning Division Recommendations:

5. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,
6. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

16. No. 01PL081 - Farrar Business Park

A request by Ferber Engineering Company for Farrar Real Estate, LLP to consider an application for a **Layout Plat** on Blocks 1, 2, 3, 4 and 5 of Farrar Business Park, N1/2 of the SE1/4 Section 16, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Deadwood Avenue North lying east of the Interstate 90 Right of Way.

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, complete engineering plans and related information as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, a geotechnical report shall be submitted for the subject property;
3. Prior to Preliminary Plat approval by the Planning Commission, a detailed topographic survey shall be provided;
4. Prior to Preliminary Plat approval by the Planning Commission, a complete grading plan shall be provided including provisions for lot line drainage;
5. Prior to Preliminary Plat approval by the Planning Commission of more than four lots, a complete drainage report shall be provided including a design for the detention facility(s);
6. Prior to Preliminary Plat approval by the Planning Commission, designs for a sanitary sewer system shall be provided;

Pennington County Fire Coordinator Recommendations:

7. Prior to Preliminary Plat approval by the Planning Commission of more than four lots, design plans for a central water system that meets all requirements of the Uniform Fire Code shall be submitted for review and approval,

Fire Department Recommendations:

8. Prior to Preliminary Plat approval by the Planning Commission of more than four lots, plans shall be submitted showing the proposed location of water lines and fire hydrants;
9. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall delineate an emergency temporary turnaround at the end of all streets;

Transportation Planning Division Recommendations:

10. Prior to Final Plat approval for the Gambler Drive, an minimum of seventy-six feet of right-of-way shall be dedicated and Gambler Drive shall be constructed as a collector street;
11. Prior to Final Plat approval by the City Council, a non-access easement shall be delineated along the Deadwood Avenue except for approved approach locations;

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Urban Planning Division Recommendations:

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

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

Air Quality Division Recommendations:

14. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of grading permit.

17. No. 01PL082 - South Hill Subdivision

A request by Hagg Development to consider an application for a **Preliminary and Final Plat** on Lots 6RA, 6RB, 7RA, 7RB, 8RA, 8RB and 9R of Block 2 (formerly Lots 6, 7, 8 & 9 of Block 2) Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Catron Boulevard and Wellington Drive.

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

18. No. 01PL083 - Schamber Addition

A request by Fisk Land Surveying for Justin Lena to consider an application for a **Preliminary and Final Plat** on Lot 5-Revised and Lot 6-Revised of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition), Rapid City, Pennington County, South Dakota and dedicated R.O.W. formerly all of Lots 5 and 6 of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition) Rapid City, Pennington County, South Dakota, more generally described as being located at 3610 and 3614 Cottonwood Street.

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

21. No. 01CA022 - Amendment to the Comprehensive Plan – North Rapid Neighborhood Area Future Land Use Plan - Summary of Adoption Action

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

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

Swedlund left the meeting at this time.

5. No. 01PL038 - Lamb Subdivision

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of

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NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of Reservoir Road and S.D. Highway 44.

Elkins advised that the applicant has requested that the Preliminary and Final Plat be continued to the October 4, 2001 Planning Commission meeting.

Wall moved, Scull seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the October 4, 2001 Planning Commission meeting at the applicant's request. (9 to 0)

Swedlund returned to the meeting at this time.

8. No. 01PL064 - Bies Subdivision

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

In response to a question from Prairie Chicken, Elkins reviewed the requirements for a Corps of Engineers 404 permit.

Prairie Chicken moved, Mashek seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be continued to the September 20, 2001 Planning Commission meeting. (10 to 0)

13. No. 01PL078 - Homestead Subdivision

A request by Doug Sperlich for Tom Farrar to consider an application for a **Layout Plat** on Lots 1-8 of Block 1; Lots 1-6 of Block 2; Lots 1-8 of Block 3; Lots 1-17 of Block 4; Lots 1-23 of Block 5; Lots 1-20 of Block 6; Lots 1-18 of Block 7; Lots 1-8 of Block 8; Lots 1-12 of Block 9 all located in Homestead Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of East Fifty-Third Street and Meadowridge Drive.

Elkins stated that the applicant has requested that the Layout Plat be continued to the September 6, 2001 Planning Commission meeting.

Scull moved, Kooiker seconded and unanimously carried to recommend that the Layout Plat be continued to the September 6, 2001 Planning Commission meeting at the applicant's request. (10 to 0)

19. No. 01PL084 - Boulevard Addition

A request by Richard O. Stahl to consider an application for a **Preliminary and Final Plat** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located at the southwest corner of the intersection of West Street and South Street.

Hoffman moved and Wall seconded to move the Preliminary and Final Plat to the Hearing Consent Calendar. The motion failed (0 to 10)

Mike Brooks, area resident, expressed concern that there was no construction permit obtained for the road constructed to the development last fall. He requested clarification concerning whether a traffic signal and stop signs would be placed on the subject property. He expressed concern that the development would create additional noise, air pollution and traffic in their neighborhood.

Randy Nelson, Engineering Division, noted that stop signs and traffic signals would be placed on the property if required by City ordinance. He stated that the construction of the road may or may not have required a permit depending on how much dirt was moved.

Wall noted that the property has been zoned High Density Residential for many years.

Gary Rasmussen, representing area resident Eva Rasmussen, advised that Mrs. Rasmussen had water problems on her property, which is adjacent to the subject property, for the first time in 44 years. He requested that the flow of water coming down the non-platted street, as well as drainage issues affecting curb, gutter and slopes for this development be carefully reviewed.

Emerson reviewed the location of Rasmussen's property in relation to the subject property and identified where the drainage concerns on the property occurred.

Swedlund requested clarification concerning whether any portion of this development is located in the environs of the West Boulevard Historic District.

Emerson advised that a small portion of the property may be located within the environs of the West Boulevard Historic District.

Wevik noted that a revised site plan has been submitted by the applicant showing a hammerhead turnaround and he requested clarification concerning what type of barrier will be constructed at the end of the emergency turnaround.

Emerson indicated that red diamond posts would be placed at the end of the turnaround.

Discussion followed concerning drainage issues as addressed by the applicant.

Dan Ferber, engineer for applicant, indicated that significant drainage improvements have been made since old site plan was submitted. He stated that the new drainage plan actually lowers the level of water from the development below the current runoff levels. He identified the major detention cell on the property noting that it does not require an outlet. He added that

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current drainage concerns will be alleviated after the paving of the project has been completed.

Wall requested a copy of the revised site plans to review.

Ferber reviewed the revised plans.

Swedlund left the meeting at this time.

In response to a question from Kooiker, Nelson indicated that there are not any unusual existing drainage problems in this area.

Discussion followed.

Swedlund returned to the meeting at this time.

Wall moved and Kooiker seconded to recommend 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, revised engineering plans shall be submitted for review and approval;

Fire Department Recommendations:

2. Prior to City Council approval of the Preliminary Plat, the applicant shall submit a revised site plan identifying one additional fire hydrant for review and approval;

Traffic Engineering Division Recommendations:

3. Prior to City Council approval of the Preliminary Plat, the applicant shall revise the engineering plans identifying no parking signs to be installed along the north side of Hill Street and for the emergency turnaround at the end of Stahl Court;

Urban Planning Division Recommendations:

4. Prior to City Council approval of the Final Plat, the plat title shall be revised eliminating Lot 6;
5. Prior to City Council approval of the Final Plat, the applicant shall provide documentation of a legal entity which will be responsible for street maintenance and snow removal for the private street (Stahl Court);
6. A Special Exception to the Street Design Criteria Manual is hereby granted allowing twelve dwelling units to access a private street;
7. Prior to City Council approval of the Final Plat, the street name for the private street shall be identified on the plat;
8. Prior to City Council approval of the Final Plat, a Final Development Plan for the Planned Residential Development shall be submitted and approved;
9. Prior to City Council approval of the Final Plat, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,

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

Jean Kesloff, area resident, expressed concern that the adjacent property owned by the applicant continues to have parking issues that have not been resolved. She requested clarification concerning how parking and use of the emergency vehicle turnaround by busses will be prohibited. She expressed concern that garbage trucks are currently using the emergency turnaround to pickup garbage from The Victorian Assisted Living Facility.

Emerson noted there is nothing on the site plan that prohibits garbage pickup in that area.

Swedlund advised the he does not think High Density Residential zoning is appropriate for this property noting that he will vote against the motion.

Discussion followed concerning parking at The Victorian Assisted Living Facility.

Ferber noted that there are no driveway approaches from the emergency vehicle turnaround and he stated that vehicles would have to drive over the curb to reach The Victorian property. He indicated that garbage trucks will serve the residential properties that will be created by the new development.

Kesloff stated that a portion of the road in the project is located within the West Boulevard Historic District.

Discussion followed concerning whether the project is subject to 11.1 Review by the Historic Preservation Commission. Staff indicated that they would review these requirements prior to City Council action.

The motion carried to recommend 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, revised engineering plans shall be submitted for review and approval;**

Fire Department Recommendations:

- 2. Prior to City Council approval of the Preliminary Plat, the applicant shall submit a revised site plan identifying one additional fire hydrant for review and approval;**

Traffic Engineering Division Recommendations:

- 3. Prior to City Council approval of the Preliminary Plat, the applicant shall revise the engineering plans identifying no parking signs to be installed along the north side of Hill Street and for the emergency turnaround at the end of Stahl Court;**

Urban Planning Division Recommendations:

- 4. Prior to City Council approval of the Final Plat, the plat title shall be revised eliminating Lot 6;**

5. Prior to City Council approval of the Final Plat, the applicant shall provide documentation of a legal entity which will be responsible for street maintenance and snow removal for the private street (Stahl Court);
 6. A Special Exception to the Street Design Criteria Manual is hereby granted allowing twelve dwelling units to access a private street;
 7. Prior to City Council approval of the Final Plat, the street name for the private street shall be identified on the plat;
 8. Prior to City Council approval of the Final Plat, a Final Development Plan for the Planned Residential Development shall be submitted and approved;
 9. Prior to City Council approval of the Final Plat, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,
 10. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted. (9 to 1 with Swedlund voting no)
20. No. 01CA015 - Amendment to the Comprehensive Plan – South Robbinsdale Neighborhood Area Future Land Use Plan - Summary of Adoption Action
- In response to a question from Kooiker, Elkins explained that this application was denied at City Council and should not receive Summary of Adoption Action from the Planning Commission. She reviewed the process for approval of Comprehensive Plan Amendments.
- Swedlund moved, Kooiker seconded and unanimously carried to table the Amendment to the Comprehensive Plan - South Robbinsdale Neighborhood Area Future Land Use Plan - Summary of Adoption Action. (10 to 0)**
22. No. 01CA026 - Amendment to the Comprehensive Plan – Major Street Plan - Summary of Adoption Action – Proposed realignment of intersection location for rearage road along east side of Southeast Connector

Kooiker advised that his question concerning this item was addressed under Item 20.

Kooiker moved, Swedlund seconded and unanimously carried to approve the Summary of Adoption Action and authorize publication in the Rapid City Journal. (10 to 0)

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 30 and 37 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 34 be

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removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Items 41 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 44 be removed from the Hearing Consent Agenda for separate consideration.

Wall moved, Scull seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 23 through 44 in accordance with the staff recommendations with the exception of Items 30, 34, 37, 41 and 44. (10 to 0)

---HEARING ITEMS CONSENT CALENDAR---

23. No. 01UR006 - Bice Subdivision

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

Planning Commission recommended that the Use on Review to allow a caretakers residence in the Light Industrial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Certificate of Completion, an Elevation Certificate shall be obtained;
2. Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location of the existing septic system utilized by the existing industrial structure and the proposed caretaker's residence;

Building Inspection Department Recommendations:

3. A building permit shall be obtained prior to any construction and a Certificate of Completion shall be obtained prior to occupancy;

Urban Planning Division Recommendations:

4. That the residential use shall be incidental to the Light Industrial use and for the purpose of providing security for the industrial use; and,
5. Prior to City Council approval, a revised site plan shall be submitted identifying paved parking and circulation for the caretaker's residence and the existing industrial building in accordance with the Off-Street Parking Ordinance or a variance shall be obtained from the Zoning Board of Adjustment.

24. 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 September 6, 2001 Planning Commission meeting in order to be heard in conjunction with the associated Comprehensive Plan Amendment at the applicant's request.

25. 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 September 6, 2001 Planning Commission meeting at the applicant's request.

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

A request by Dream Design International, Inc. 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 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 September 6, 2001 Planning Commission meeting to allow the Future Land Use Committee to review a revised Comprehensive Plan Amendment request at the applicant's request.

27. No. 01OA012 - Ordinance Amendment

A request by Kevin Galik for Tetragenics to consider an application for an Ordinance amending Chapter 17.04 of the Rapid City Municipal Ordinance by adding new section 17.04.483 defining microcell cellular communications facilities; and amending Sections 17.16.020, 17.18.020, 17.34.020, 17.36.020, 17.46.020, 17.48.020 and 17.56.020 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities meeting certain standards to the list of Uses Permitted and amending Sections 17.16.030, 17.18.030, 17.34.030, 17.36.040,

17.46.030, 17.48.030, and 17.56.030 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities not meeting certain standards to the list of Uses Permitted on Review.

Planning Commission recommended that the Ordinance Amendment be approved with the stipulation that the following revisions be made (the changes have been included on the attached draft):

Fire Department Recommendations:

1. The following language shall be added to prohibit microcell cellular communications facilities from impeding fire access: "Any microcell facility and related structures shall be situated in such a way that no interference with fire appliances or emergency access or exits shall result";

Urban Planning Division Recommendations:

2. The following language shall be added to the list of criteria to allow microcell cellular communications facilities as a Permitted Use: "No more than two microcell antennae and related accessory structures shall be located on any single building rooftop";
3. Criteria #5 shall be changed to insert the word "nearest" before "...edge of the rooftop";
4. The Ordinance shall be revised so that microcellular facilities shall be limited to rooftop placement only – whether or not a Use on Review is required;

Building Inspections Division Recommendations:

5. Language shall be added to require the applicant for any microcell cellular communications facility to submit all necessary plans and specifications and receive any necessary building permits prior to construction of the microcell facility."

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

29. **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 approved with the following stipulations:

Engineering Division Recommendations:

1. All stipulation of the Preliminary and Final Plat 01PL055 shall be met;
2. Prior to City Council approval, the applicant shall submit a revised site plan identifying only one access from Derby Lane;

Fire Department Recommendations:

3. Prior to City Council approval, the applicant shall submit a revised site plan identifying an emergency vehicle turnaround for the proposed south parking lot;
4. Prior to issuance of a Building Permit, the applicant shall provide detailed building construction plans. Based on the type of construction, an additional on-site fire hydrant may be required;

Urban Planning Division Recommendations:

5. The associated rezoning from Medium Density Residential to Office Commercial Zoning shall be approved;
6. The use of the property shall be limited to a funeral home and related accessory structures. Any change in use shall require a Major Amendment to the Planned Commercial Development;
7. The structure shall have a maximum height of one-story as defined in Section 17.04.115 of the Rapid City Municipal Code;
8. The building shall be residential in appearance with a sloped roof;
9. A five to six foot (5-6') high opaque, wood or masonry, ornamental screening fence shall be installed along the side and rear yards of this development. The fence located on the east side of the property shall be located outside the major drainage easement with the finished side facing east;
10. All overhead parking lot lighting shall be directed away from the neighboring residences; and,
11. All other provisions of the Landscape and Parking Ordinances shall be met.

31. No. 01UR044 - Providence Addition

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a Cellular Communication Tower in the General Commercial Zoning District** on Lot CR of Blocks 12-13, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago Street.

Planning Commission recommended that the Use On Review to allow a Cellular Communication Tower in the General Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

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

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;

Fire Department Recommendations:

5. That a minimum of 20 foot fire lane access shall be continually maintained behind the existing building;

Urban Planning Division Recommendations:

6. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
7. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
8. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
9. The existing communications tower shall be removed within thirty days of the issuance of a Certificate of Completion for the new communications tower;
10. No commercial advertising signage shall be allowed on the tower;
11. All requirements of the Off-Street Parking Ordinance shall be continually met; and,
12. 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.

32. No. 01UR046 - Canyon Lake Heights Subdivision

A request by Randy and Bobbie Greenway to consider an application for a **Use On Review to allow a private residential garage in excess of 1000 square feet in the Low Density Residential Zoning District** on Lot 3R Revised and Lot 4R Revision #2, Block 5, Canyon Lake Heights Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

Planning Commission recommended that the Use On Review to allow a private residential garage in excess of 1000 square feet in the Low Density Residential Zoning District be continued to the September 6, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

33. No. 01UR047 - Madison's Subdivision

A request by Terrell Adams to consider an application for a **Use On Review to allow a private residential garage in excess of 1000 square feet in the Medium Density Residential Zoning District** on Lot 10, Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4385 Haines Avenue.

Planning Commission recommended that the Use On Review to allow a private residential garage in excess of 1000 square feet in the Medium Density Residential Zoning District be continued to the September 20, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

35. No. 01RZ049 - Section 13, T2N, R7E (Northbrook Village Subdivision)

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Planned Residential Development.

36. No. 01PD046 - South Hill Subdivision

A request by Hagg Development to consider an application for a **Major Amendment to a Planned Unit Development** on Lots 6RA, 6RB, 7RA, 7RB, 8RA, 8RB and 9R of Block 2 (formerly Lots 6, 7, 8 & 9 of Block 2) Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Catron Boulevard and Wellington Drive.

Planning Commission recommended that the Major Amendment to a Planned Unit Development be continued to the September 20, 2001

Planning Commission meeting to allow the applicant to submit additional information.

38. No. 01RZ050 - Huffman Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 1 and adjacent Philadelphia Street right-of-way, Huffman Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cambell Street and north of East Philadelphia Street.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.

39. No. 01RZ051 - Section 7, T1N, R8E

A request by D.C. Scott Co. for Paul Bradsky to consider an application for a **Rezoning from General Commercial District and Medium Density Residential District to Light Industrial District** on property being 0.52 acre of 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; said 0.52 acre of land being more particularly described by metes and bounds as follows: BEGINNING at the southwest corner of Lot 4 of Polar Bear Subdivision, as shown on survey plat recorded in Plat Book 28, Page 69 in the office of the Pennington County Register of Deeds; Thence South 89°56'58" East along the south line of said Lot 4 of Polar Bear Subdivision, a distance of 450.28 feet to the southeast corner of said Lot 4 of Polar Bear Subdivision on the west right-of-way line of South Dakota Highway 79; Thence South 00°09'00" East, along said west right-of-way line of South Dakota Highway 79, a distance of 50.00 feet to the northeast corner of a certain tract of land described in deed recorded in Book 111, Page 249 in the office of the Pennington County Register of Deeds; Thence North 89°56'58" West, along the north line of said tract of land, a distance of 450.36 feet to a point for corner; Thence North 00°03'38" West, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.52 acres of land, more or less, more generally described as being located on Highway 79 south of Sydney Drive.

Planning Commission recommended that the Rezoning from General Commercial District and Medium Density Residential District to Light Industrial District be continued to the September 6, 2001 Planning Commission meeting to allow the applicant time to complete the required certified mailing.

40. No. 01CA028 - The Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, to change the future land use designation on a 1.71 acre parcel from Medium Density Residential to Office Commercial with 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 Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, to change the future land use designation on a 1.71 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved.

42. No. 01RZ052 - Johnson School Subdivision

A request by Geiger Architecture for Rapid City School District, West River Electric Association, William C. Gikling, and the State of South Dakota Department of Transportation to consider an application for a **Rezoning from No Use District to Light Industrial District** on Lot 1, Less Lot H-1, Lot 2 and Lot 3 less Lot H-1, all in Block Two (2), Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1, less the H lot in Lot 1, 2, 3 and 4 less the H-lot in Lot 4, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 6 less the H lot in Lot 6, 7, 8 and 9 less the H-lot in Lot 9, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 2 of Lot D in NW1/4 of NE1/4; Lot C, School lot and lot RS all in Johnson School Subdivision in NW1/4 of NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Lot 1 of Lot D, and Lot B of Lot 1 of Lot D, and Lot B, all in the NW1/4 NE1/4; and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and Lot A less the H lot in Lot A of the NW1/4 NE1/4, all in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of S.D. Highway 44 and Twilight Drive.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with the Planned Development Designation and contingent upon a Comprehensive Plan Amendment to the Elk Vale Neighborhood Area Future Land Use Plan being approved.

43. No. 01PD048 - Johnson School Subdivision

A request by Geiger Architecture for Rapid City School District, West River Electric Association, William C. Gikling, and the State of South Dakota Department of Transportation to consider an application for a **Planned Development Designation** on Lot 1, Less Lot H-1, Lot 2 and Lot 3 less Lot H-1, all in Block Two (2), Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1, less the H lot in Lot 1, 2, 3 and 4 less the H-lot in Lot 4, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 6 less the H lot in Lot 6, 7, 8 and 9 less the H-lot in Lot 9, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 2 of Lot D in NW1/4 of NE1/4; Lot C, School lot and lot RS all in Johnson School Subdivision in NW1/4 of NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Lot 1 of Lot D, and Lot B of Lot 1 of Lot D, and Lot B, all in the NW1/4 NE1/4; and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and Lot A less the H lot in Lot A of the NW1/4 NE1/4, all in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of S.D. Highway 44 and Twilight Drive.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

---END OF HEARING CONSENT CALENDAR---

30. 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.

Elkins advised that a revised staff report was distributed to the Planning Commission members on the dais. She indicated that staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District

Draft

be approved contingent on the associated Comprehensive Plan Amendment and Major Amendment to the Planned Commercial Development being approved.

Swedlund moved and Hoffman seconded to recommend that the Rezoning from Medium Density Residential District to Office Commercial District be approved contingent on the associated Comprehensive Plan Amendment and Major Amendment to the Planned Commercial Development being approved.

Wall noted that the General Comments in the Staff Report refer to Rooks and Kirk funeral home. He advised that the ownership has changed and it is now properly referred to as Kirk Funeral Home.

The motion unanimously carried to recommend that the Rezoning from Medium Density Residential District to Office Commercial District be approved contingent on the associated Comprehensive Plan Amendment and Major Amendment to the Planned Commercial Development being approved. (10 to 0)

34. No. 01PD045 - Section 13, T2N, R7E (Northbrook Village Subdivision)

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road.

Wall requested clarification concerning the capacity of the lift station for this area.

Randy Nelson explained that the existing lift station has adequate capacity for the proposed development. He indicated that further development in the area will require expansion of the lift station.

Discussion followed.

Wall moved, Prairie Chicken seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

1. All stipulations of Preliminary Plat 01PL076 shall be met;

Fire Department Recommendations:

2. Prior to issuance of a building permit or on-site construction using combustible material(s), an approved water supply shall be provided and all fire hydrants shall be installed;
3. All driveways shall not exceed a 12% grade. Prior to issuance of a building permit, a site plan shall be provided identifying the location and grade of the driveway;

Transportation Planning Division Recommendations:

4. All driveways shall meet the minimum standards of the Street Design Criteria Manual unless otherwise authorized;

Air Quality Division Recommendation:

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

Urban Planning Division Recommendations:

6. Prior to City Council approval of the Final Development Plan, a landscaping plan shall be submitted for review and approval. In particular, a landscaping buffer including berms, shrubs and trees shall be provided along the north side of Country Road and a landscape plan for the sanitary lift station;
 7. All provisions of the Low Density Residential Zoning District shall be met unless otherwise authorized;
 8. Any use listed in Section 17.10.030 shall require a Major Amendment to the Planned Residential Development;
 9. A minimum of two off-street parking spaces shall be provided for each residence;
 10. Prior to Planning Commission approval of the Final Development Plan, a sign and lighting package shall be submitted for review and approval. The sign package shall include the location, height and size, and setback dimensions of any and all proposed signs to be located within the development other than regulatory signs. The lighting package shall include the location, height and size, and setback dimensions of any and all proposed lights to be located within the development other than mandatory street lights unless the proposed street lights do not meet the standard specifications of the City of Rapid City;
 11. Tract A, Block 2 shall be allowed as a utility lot for the sanitary sewer lift station; and,
 12. Outlot A, Block 6; Outlot B, Block 4; and Outlot C, Block 2 shall be designated as drainage lots. (10 to 0)
37. No. 01PD047 - Boulevard Addition
A request by Richard O. Stahl to consider an application for a **Planned Residential Development - Final Development Plan** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of West Street and South Street.

Emerson suggested that a condition could be added to the stipulations of approval requiring the applicant to provide a revised site plan including the location of evergreen trees on the north side of the emergency turn around. He indicated that the vegetation would preclude access between the multifamily development and The Victorian Assisted Living Facility. Emerson noted the use of public right-of-ways cannot be limited.

Discussion followed concerning the use of vegetation as a barrier to preclude access and the concerns expressed by area residents.

Ferber expressed concern that the placement of vegetation at the end of the emergency turn around may hamper Fire Department access to the Victorian property in case of an emergency.

Discussion followed concerning fire access, the architectural design of the proposed development and the condition and age of structures on neighboring properties.

Bill Knight, Fire Department, advised that vegetation at the end of the emergency turnaround would restrict emergency service access to The Victorian Assisted Living Facility.

In response to a question from Swedlund, Dick Stahl, applicant, reviewed the color and materials proposed to be used for the façade and roof of the structures.

In response to a question from Kooiker, Nelson advised that the drainage plans accompanied the Preliminary Plat and no additional stipulations are necessary.

Scull moved and Stone seconded to recommend that the Planned Residential Development - Final Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

1. All stipulations of Preliminary and Final Plat 01PL084 shall be met;

Fire Department Recommendations:

2. Prior to Final Development Plan approval by the City Council, the applicant shall submit a revised site plan identifying one additional fire hydrant for review and approval;

Urban Planning Division Recommendations:

3. Prior to Final Development Plan approval by the City Council, the applicant shall provide a detailed landscaping plan for review and approval;
4. That all provisions of the Parking Ordinance shall be met except the following: parking may be designed to allowed vehicles to back into the Stahl Court;
5. All permitted uses allowed in the High Density Residential Zoning District shall be allowed in the Planned Residential Development;
6. All uses allowed as a Use On Review in the High Density Residential Zoning District may be allowed only upon approval of a Major Amendment to the Planned Residential Development;
7. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District; however, a reduced setback shall be allowed as follows: an eleven foot (11') rear yard setback and a six foot (6') South Street front yard setback

shall be allowed for Lot 2; a twenty foot (20') rear yard setback and a six foot (6') South Street front yard setback be shall allowed for Lot 3; and,
Air Quality Division Recommendations:

8. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of grading permit or a building permit.

Swedlund stated he would like a stipulation that requires that the structures be redesigned in such a manner that they are more compatible with the existing West Boulevard Historic District. He suggested that the applicant consult with the Historic Preservation Commission concerning the design elements.

Swedlund made a substitute motion and Kooiker seconded to recommend that the Planned Residential Development - Final Development Plan be continued to the September 20, 2001 Planning Commission meeting to allow the Historic Preservation Commission to review the proposed development.

Wall expressed concern that historic preservation issues would be made binding on a property lying outside of that district.

Scull spoke against the motion noting that he feels that the applicant's proposal is a significant improvement to the area.

Prairie Chicken concurred with Wall and Scull and stated his opposition to the motion.

Kooiker stated that he feels the Historic Preservation Commission should have input concerning development adjacent to the district.

Swedlund advised that he has had several people come to him and express concern about this project as they do not like the appearance of the buildings.

Ferber indicated that the applicant has attempted to comply with all the requirements established by the City. He expressed concern that the historic issue is being brought forward at this point in the development. He distributed photographs of existing development in the area.

Swedlund indicated that he feels these structures are a real opportunity to revitalize and improve the quality of the neighborhood.

Stahl noted that the portion of that land located within the environs of the historic district is very small and will basically remain in its current state. He added that he feels his project fits the neighborhood and will be an improvement over the existing development.

Scull called the question, Kooiker seconded and carried the motion. (9 to 1 with Swedlund voting no)

The substitute motion to recommend that the Planned Residential Development - Final Development Plan be continued to the September 20, 2001 Planning Commission meeting to allow the Historic Preservation Commission to review the proposed development failed. (3 to 7 with Kooiker, Wevik and Swedlund voting yes and with Stone, Scull, Wall, Hoffmann, Prairie Chicken, Tschetter and Mashek voting no)

In response to a question from Swedlund, Stahl indicated that the architectural plans for the proposed structures have been used in several different projects in other parts of the community.

Discussion followed concerning review of the project by the Historic Preservation Committee, vegetative landscaping and snow plowing of the emergency turnaround, the boundaries of the West Boulevard Historic District, and the lack of professional architectural design of the proposed development.

Swedlund made a substitute motion and Kooiker seconded to recommend that the Planned Residential Development - Final Development Plan be continued to the September 6, 2001 Planning Commission meeting to allow the Historic Preservation Commission to review the proposed development on an expedited basis. The substitute motion failed. (3 to 7 with Kooiker, Wevik and Swedlund voting yes and with Stone, Scull, Wall, Hoffmann, Prairie Chicken, Tschetter and Mashek voting no)

The motion carried to recommend that the Planned Residential Development - Final Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

- 1. All stipulations of Preliminary and Final Plat 01PL084 shall be met;**

Fire Department Recommendations:

- 2. Prior to Final Development Plan approval by the City Council, the applicant shall submit a revised site plan identifying one additional fire hydrant for review and approval;**

Urban Planning Division Recommendations:

- 3. Prior to Final Development Plan approval by the City Council, the applicant shall provide a detailed landscaping plan for review and approval;**
- 4. That all provisions of the Parking Ordinance shall be met except the following: parking may be designed to allowed vehicles to back into the Stahl Court;**
- 5. All permitted uses allowed in the High Density Residential Zoning District shall be allowed in the Planned Residential Development;**
- 6. All uses allowed as a Use On Review in the High Density Residential Zoning District may be allowed only upon approval of a Major Amendment to the Planned Residential Development;**
- 7. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District; however, a reduced setback shall be allowed as follows: an eleven foot**

(11') rear yard setback and a six foot (6') South Street front yard setback shall be allowed for Lot 2; a twenty foot (20') rear yard setback and a six foot (6') South Street front yard setback be shall allowed for Lot 3; and,

Air Quality Division Recommendations:

- 8. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of grading permit or a building permit. (7 to 3 with Stone, Scull, Wall, Hoffmann, Prairie Chicken, Tschetter and Mashek voting yes and with Kooiker, Wevik and Swedlund voting no)**

Tschetter left the meeting at this time.

41. No. 01CA027 - Johnson School Subdivision

A request by Geiger Architecture for Rapid City School District, West River Electric Association, William C. Gikling, and the State of South Dakota Department of Transportation to consider an application for an **Amendment to the Elk Vale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, to change the future land use designation from General Commercial, Public and Low Density Residential to Light Industrial with a Planned Light Industrial Development** on Lot 1, Less Lot H-1, Lot 2 and Lot 3 less Lot H-1, all in Block Two (2), Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Shadow Drive lying north of Lots 1, 2, 3, and 4 less the H lot in Lot 4, in Block 1 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1, less the H lot in Lot 1, 2, 3 and 4 less the H-lot in Lot 4, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 6 less the H lot in Lot 6, 7, 8 and 9 less the H-lot in Lot 9, in Block 1 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Shadow Drive lying south of Lots 6, 7, 8 and 9 less the H lot in Lot 6, in Block 1 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 2 of Lot D in NW1/4 of NE1/4; Lot C, School lot and lot RS all in Johnson School Subdivision in NW1/4 of NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Inca Drive lying west of Lot C in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; That portion of School Drive that has not previously been vacated lying north of Lot B in the NW1/4 NE1/4 and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and the NW1/4 NE1/4 in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The west border of this portion of School Drive consists of a line from the northeast corner of the H lot in Lot A of the NE1/4 NW1/4 and the NW1/4 NE1/4 in Johnson School Subdivision to the southeast corner of Lot 8 in Block 2 of the Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Lot 1 of Lot D, and Lot B of Lot 1 of Lot D, and Lot B, all in the NW1/4 NE1/4; and Lot A less the H lot in Lot A of the NE1/4 NW1/4 and Lot A less the H lot in Lot A of the NW1/4 NE1/4, all in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of S.D. Highway 44 and Twilight Drive.

Kooiker moved, Scull seconded and unanimously carried to recommend that the Amendment to the Elk Vale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan, to change the future land use designation from General Commercial, Public and Low Density Residential to Light Industrial with a Planned Light Industrial Development be approved. (9 to 0)

44. No. 01CA029 – Comprehensive Plan Amendment

A request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment - Amendment to the Major Street Plan** for the proposed realignment of several collector and arterial roads in the vicinity of Red Rock Estates Subdivision and Countryside Subdivision in Southwest Rapid City.

In response to a question from Prairie Chicken, Elkins indicated that the Comprehensive Plan Amendment would be resubmitted under the next submittal deadline with a revised legal description.

Prairie Chicken moved, Kooiker seconded and unanimously carried to recommend that the Comprehensive Plan Amendment - Amendment to the Major Street Plan be denied without prejudice. (9 to 0)

Wall moved, Scull seconded and unanimously carried to reconsider the Hearing Consent Agenda. (9 to 0)

Wevik requested that Items 27 be removed from the Non-Hearing Consent Agenda for separate consideration. Kooiker requested that Item 31 be removed from the Non-Hearing Consent Agenda for separate consideration.

Scull moved, Wall seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 23 through 43 in accordance with the staff recommendations with the exception of Items 27 and Items 31. (9 to 0)

27. No. 01OA012 - Ordinance Amendment

A request by Kevin Galik for Tetragenics to consider an application for an Ordinance amending Chapter 17.04 of the Rapid City Municipal Ordinance by adding new section 17.04.483 defining microcell cellular communications facilities; and amending Sections 17.16.020, 17.18.020, 17.34.020, 17.36.020, 17.46.020, 17.48.020 and 17.56.020 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities meeting certain standards to the list of Uses Permitted and amending Sections 17.16.030, 17.18.030, 17.34.030, 17.36.040, 17.46.030, 17.48.030, and 17.56.030 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities not meeting certain standards to the list of Uses Permitted on Review.

Wevik noted that the intent of the proposed ordinance amendment is to reduce the proliferation of large newly constructed stand-alone cellular communication towers while allowing increased coverage for cellular communication companies. Wevik requested clarification concerning whether it would be appropriate to consider allowing rooftop cellular antennae on top of existing utility poles to further reduce new tower proliferation.

Elkins advised that staff has been contacted by Black Hills Power Company concerning locating cellular communication antennae on top of power poles. She noted that upon further review of the issue staff had serious concerns as they would be located in the right-of-way and they typically require a ground structure similar in size to a sport utility vehicle.

Discussion followed concerning the zoning districts where roof top cellular antennae would be considered a permitted use, existing use on review procedures and maximum height requirements.

In response to a question from Swedlund, Elkins explained that rooftop cellular communication towers would not be permitted in residential zoning districts.

Scull moved, Kooiker seconded and unanimously carried to recommend that the Ordinance Amendment be approved with the stipulation that the following revisions be made (the changes have been included on the attached draft):

Fire Department Recommendations:

1. The following language shall be added to prohibit microcell cellular communications facilities from impeding fire access: "Any microcell facility and related structures shall be situated in such a way that no interference with fire appliances or emergency access or exits shall result";

Urban Planning Division Recommendations:

2. The following language shall be added to the list of criteria to allow microcell cellular communications facilities as a Permitted Use: "No more than two microcell antennae and related accessory structures shall be located on any single building rooftop";
3. Criteria #5 shall be changed to insert the word "nearest" before "...edge of the rooftop";
4. The Ordinance shall be revised so that microcellular facilities shall be limited to rooftop placement only – whether or not a Use on Review is required;

Building Inspections Division Recommendations:

5. Language shall be added to require the applicant for any microcell cellular communications facility to submit all necessary plans and specifications and receive any necessary building permits prior to construction of the microcell facility." (9 to 0)

31. No. 01UR044 - Providence Addition

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a Cellular Communication Tower in the General Commercial Zoning District** on Lot CR of Blocks 12-13, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago Street.

In response to a question from Kooiker, Elkins explained that the tower proposed to be located on the Saint Martin's property was denied at City Council as the applicant was unable to obtain written agreement with the adjacent landowners.

Mark Krenn, agent for applicant, indicated that the proposed tower in this location at the proposed height of 150 feet is necessary in order to meet the sectorization requirements.

In response to a question from Hoffmann, Elkins advised that it could be up to a year from start to finish before the Cellular Tower Master Plan project is completed.

Hoffman expressed concern that the plan may be obsolete by the time it is completed.

Krenn added that the towers they are constructing are designed for colocation and he indicated that they have already been contacted by other carriers interested in colocation on their towers.

In response to a question from Wall, Seaman presented the slides and showed the proposed location for the new cellular tower noting that there is an existing 40 foot tower on the property.

Stone moved, Prairie Chicken seconded and unanimously carried to recommend that the Use On Review to allow a Cellular Communication Tower in the General Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

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

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;

Fire Department Recommendations:

5. That a minimum of 20 foot fire lane access shall be continually maintained behind the existing building;

Urban Planning Division Recommendations:

6. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
7. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
8. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
9. The existing communications tower shall be removed within thirty days of the issuance of a Certificate of Completion for the new communications tower;
10. No commercial advertising signage shall be allowed on the tower;
11. All requirements of the Off-Street Parking Ordinance shall be continually met; and,
12. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years. (8 to 0 with Swedlund abstaining)

Prairie Chicken left the meeting at this time.

---BEGINNING OF REGULAR AGENDA ITEMS---

45. **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 September 6, 2001 Planning Commission meeting.

Planning Commission recommended that the Layout and Preliminary Plat be continued to the September 6, 2001 Planning Commission meeting at the applicant's request. (8 to 0)

46. **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.

Seaman advised that the Major Amendment was continued from the August 9, 2001 Planning Commission meeting at the applicant's request. She indicated that staff met with the applicant and reached an agreement for improvements to the access on Maple Street. She stated that staff recommends approval of the Major Amendment with stipulations.

Wall expressed concern that the applicant has not met the conditions of approval in the past.

Seaman advised that the recommended conditions of approval require that the improvements must be in place prior to City Council approval of the Major Amendment.

Kooiker moved, Hoffmann seconded and unanimously carried to recommend that the Major Amendment to a Use On Review to revise the conditions of approval be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, pavement striping and flexible delineator posts shall be installed in accordance with the site plan approved by the Engineering Division;
2. Prior to City Council approval, a four foot post and cable fence and "no parking" signs shall be installed along the Maple Avenue frontage from the southwest corner of the building to the northwest property corner;

Urban Planning Division Recommendations:

3. Prior to City Council approval, landscaping shall be installed in the southwest corner of the property in accordance with the approved site plan; and,
4. That all previous conditions of approval for Use On Review #00UR001 shall be continually met. (8 to 0)

47. **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.

Fisher reviewed the staff report and presented the slides. She reviewed the Future Land Use Committee's recommendation for approval of a portion of the application with conditions.

Kooiker expressed concern that the application appears to be a butchering of the existing Future Land Use Plan for this area.

Kooiker moved and Swedlund seconded to recommend that the Comprehensive Plan Amendment be denied.

Discussion followed concerning the proposed mobile home park subdivision, the existing future land use plan for the area, the Future Land Use Committee's recommendation for approval of a portion of the application with Planned Development Designation Overlays, and the adoption process for the South Robbinsdale Neighborhood Area Future Land Use Plan.

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Wall stated that he feels public hearings to allow additional public input should be held for this request because of the substantial changes as proposed by the applicant.

Swedlund suggested that a more stringent adherence to the existing goals should be observed.

Hoffman left the meeting at this time.

Discussion followed.

The motion unanimously carried to recommend that the Comprehensive Plan Amendment be denied. (7 to 0)

48. No. 01UR045 - Wisdom Subdivision

A request by Paul J. Bradsky for Wal-East Development, Inc. to consider an application for a **Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full-service restaurant in the General Commercial Zoning District** on Lot 1 Revised of Wisdom Subdivision, Section 30, 2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2205 North LaCrosse Street.

Elkins advised that this item was placed on the regular agenda as the Planning Commission has directed that all applications for On-Sale Liquor Establishments be considered individually. She advised that staff recommends approval of the Use On Review with stipulations.

In response to a question from Wall, Elkins indicated that it is her understanding that the applicant is proposing to move an existing liquor license to the subject property.

Wall moved, Scull seconded and unanimously carried to recommend that the Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full-service restaurant in the General Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver Of Right To Protest agreement for any future required sanitary sewer improvements;

Fire Department Recommendations:

2. Prior to City Council approval, a revised site plan shall be submitted identifying the location of an on-site fire hydrant(s);
3. Prior to issuance of a Building Permit, the applicant shall provide complete plans identifying that a fire sprinkler system will be installed in the entire restaurant facility;
4. Prior to issuance of a building permit or on-site construction using combustible material(s), an approved water supply shall be provided and all fire hydrants shall be installed;

Building Inspection Department Recommendations:

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a Building Permit application, Architect/Engineer stamped plans shall be submitted.

Urban Planning Division Recommendations:

7. That the primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant;
8. If more than one acre of land shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit or a building permit;
9. That the sale of liquor for off premise consumption from inside the restaurant shall be prohibited;
10. Prior to City Council approval, a revised landscaping plan shall be submitted for review and approval; and,
11. That 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.

49. **No. 01SV023 - Northbrook Village Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk and street light conduit on Country Road and Nike Road; and to allow lots more than twice as long as they are wide** on Lot 1, Block 1; Lots 1-13, Tract A & Outlot C, Block 2; Lots 1-12, Block 3; Lots 1-29 & Outlot B, Block 4; Lots 1-8, Block 5; Lots 1-3 & Outlot A, Block 6; Lots 1-13, Block 7 & Lots 1-27, Block 8, Northbrook Village Subdivision, located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road.

Emerson presented the request and reviewed staff's recommendations.

In response to a question from Swedlund, Emerson advised that approximately 106 homes are proposed for the development. He indicated that sidewalks would be provided for all interior streets and the applicant would execute a waiver of right to protect future assessments for sidewalks along Nike Road and Country Road.

Wall noted that when the waiver of right to protest is signed and the lots are subsequently sold, the individual property owners assume financial responsibility for the improvements.

Discussion followed concerning when sidewalks may be ordered in for the development and the street names proposed for the development.

Wall moved, Kooiker seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, and sidewalk on Country Road and Nike Road be approved with the condition that prior to Final Plat approval of any lot within the Northbrook Village Subdivision, a waiver of right to protest an assessment district shall be signed for these improvements;

To recommend that the Variance to the Subdivision Regulations to waive the requirement for street light conduit on Country Road and Nike Road be denied; and,

To recommend that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved. (7 to 0)

50. No. 01SV024 - Lamb Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44** on Lot 1 of Lamb Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Reservoir Road and S.D. Highway 44.

Elkins indicated that the applicant has requested that the Variance to the Subdivision Regulations be continued to the October 4, 2001 Planning Commission meeting.

Swedlund moved, Kooiker seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44 be continued to the October 4, 2001 Planning Commission meeting. (7 to 0)

Elkins requested that Items 55 through 58 be considered concurrently.

Wall moved, Kooiker seconded and unanimously carried to recommend that Items 55 through 58 be approved per staff's recommendation. (7 to 0)

55. No. 01CA011 - 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.

56. No. 01CA012 - Amendment to the Comprehensive Plan - Summary of Adoption Action

Draft

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

57. No. 01CA013 - Amendment to the Comprehensive Plan - South Robbinsdale Neighborhood Area Future Land Use 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.

58. No. 01CA014 - Amendment to the Comprehensive Plan - Northeast Neighborhood Area Future Land Use 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.

51. Discussion Items

A. Setbacks from Section Line Highway – Bill Lass

Elkins requested that this item be continued to the September 6, 2001 Planning Commission meeting.

52. Staff Items

None.

53. Planning Commission Items

Elkins advised that Mel Prairie Chicken has requested that the Planning Commission review a video on automated garbage collection at the next Planning Commission meeting.

Scull moved and Kooiker seconded to direct staff to prepare an automated garbage collection video for the Planning Commission's review at the September 6, 2001 Planning Commission meeting.

Discussion followed concerning the City Council's action on the automated garbage collection issue. Wevik indicated that he feels this issue would be more appropriately reviewed at the next Planning Commission training session.

Swedlund withdrew the motion, Scull withdrew his second.

Swedlund requested the status of drafting a ordinance prohibiting pole barns in Rapid City limits. Elkins advised that staff would review the Planning Commission minutes in regard to Swedlund's request.

Kooiker requested that an update be provided on the status of the cellular tower request for proposals.

54. Committee Reports

Draft

None.

There being no further business Wall moved, Kooiker seconded and unanimously carried to adjourn the meeting at 9:00 a.m. (7 to 0)