

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 6, 2003

**DRAFT**

MEMBERS PRESENT: Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Paul Swedlund and Bob Wall. Martha Rodriguez, Council representative was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Jeff Marino, Tom Kurtenbach, Lisa Seaman, Jason Green, Bill Knight, Randy Nelson, Dave Johnson, Dave LaFrance, and Nadine Bauer

Vice-Chairperson Wall called the meeting to order at 7:05 a.m.

**Wall 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 8 and 9 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 14 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Mashek moved, Hoffmann seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 14 in accordance with the staff recommendations with the exception of Items 8, 9 and 14 (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

1. Approval of the January 23, 2003 Planning Commission Meeting Minutes.

2. No. 02PL047 - Pine View Terrace

A request by Wyss Associates, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Southwest Middle School, 4501 Park Drive.

**Planning Commission acknowledged the applicant's withdrawal of the Layout Plat.**

3. No. 02PL083 - Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the March 27, 2003 Planning Commission meeting at the applicant's request.**

4. No. 02PL115 - Flannery Subdivision No. 2

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Ireland Place and Dublin Court.

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

**Engineering Division Recommendations:**

1. Prior to Final Plat approval by the City Council, the applicant shall provide documentation of the legal entity that will provide sewer maintenance for the sewer main that has been constructed within the Dublin Court right of way;
2. Prior to Final Plat approval by the City Council, the plat note reading, "Access and Utility Easement" along Dublin Court shall be eliminated;
3. Prior to Final Plat approval by the City Council, Plat Note Number 2 shall read, "Eight foot wide utility and drainage easement on interior side of all lot lines";

**Fire Department Recommendations:**

4. Prior to Final Plat approval by the City Council, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
5. Prior to Final Plat approval by the City Council, the Fire Department Access Easement shall remain as previously platted, or an alternative emergency vehicle access easement shall be submitted for review and approval;
6. Prior to Final Plat approval by the City Council, a note shall be placed on the plat stating, "If driveway or street grades exceed 16 percent, then fire sprinklers shall be required for all residences";

**Urban Planning Division Recommendations:**

7. Prior to Final Plat approval by the City Council, the applicant shall record the approved Dublin Court right of way vacation document with the Pennington County Register of Deeds;
8. Prior to Final Plat approval by the City Council, a subdivision estimate form for the unfinished subdivision improvements shall be submitted for review and approval; and,
9. Prior to Final Plat approval by the City Council, surety for the unfinished improvements shall be posted and the subdivision

**inspection fees shall be paid.**

5. No. 02PL122 - Irene Estates Subdivision

A request by Dennis Dressen to consider an application for a **Layout Plat** on Lot 2A and Lot 2B, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6015 Nameless Cave Road.

**Planning Commission recommended that the Layout Plat be denied without prejudice.**

6. No. 02PL127 - Canyon Lake Heights Subdivision

A request by Precision Surveying for Bill Marx to consider an application for a **Layout Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4730 Cliff Drive.

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

**Engineering Recommendations:**

1. Upon Preliminary Plat submittal, a conceptual drainage plan shall be submitted demonstrating that physical and legal concerns resulting from the proposed increased developmental density are being addressed. Additionally, a storm water plan shall be submitted identifying potential impacts downstream. The plan shall identify on-site storm water detention if needed;
2. Prior to Final Plat approval by the City Council, the applicant shall submit a well maintenance agreement for review and approval, to be filed with the Final Plat;
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit for review and approval soil profile and percolation data collected within five feet of the proposed drainfield area for Lot A;
4. Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans prepared by a registered professional engineer for a septic tank wastewater disposal system;
5. Upon Preliminary Plat submittal, the applicant shall submit information demonstrating how the existing septic tank disposal system may be brought into compliance with State separation requirements;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall submit information identifying well location(s) and septic tank

and drainfield location(s) on Lot 6 to the north of the subject property;

7. Upon Preliminary Plat submittal, the applicant shall submit documentation verifying the depth of the well;
8. Prior to Preliminary Plat approval by the City Council, the applicant shall submit information which demonstrates that flow from the existing well is adequate for domestic use and shall provide flows required for fire protection;
9. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access to the proposed lots meet the requirements of the Street Design Criteria Manual;

**Fire Department Recommendations:**

10. Prior to Preliminary Plat approval by the City Council, the applicant shall provide a Wildland Fuels Mitigation Plan for review and approval by the Rapid City Fire Department;
11. Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans for a water line, fire hydrant(s), and vehicle turn-around servicing proposed Lot A meeting Uniform Fire Code requirements;
12. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that ingress/egress to the proposed lots meets the requirements of the Uniform Fire Code;
13. Prior to Final Plat approval by the City Council, the applicant shall post street signs identifying addresses of each proposed lot to be approved by the Fire Department;
14. Prior to Final Plat approval by the City Council, the applicant shall demonstrate that the access grade to the proposed lots does not exceed 12 percent, and that driveway grades do not exceed 16 percent, or a note shall be placed on the plat stating, "Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department";

**Urban Planning Division Recommendations:**

15. Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. Complete street design plans identifying the location of utilities, storm drainage, curb and gutter, dry sewer, water, street light conduit and sidewalk improvements for all adjacent and interior roadways or a Variance to the Subdivision Regulations shall be obtained;
16. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
17. Prior to Final Plat approval by the City Council, improvements to the section line highway shall be completed, a Variance to the Subdivision Regulations shall be obtained to waive the requirements, or the section line highway shall be vacated; and
18. Prior to Final Plat approval by the City Council, surety for any

**required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**

7. No. 02PL129 - MJK Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots B1, B2 and B3, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Preakness Street between Field View Drive and the Truck Bypass.

**Planning Commission recommended that the Layout Plat be continued to the March 6, 2003 Planning Commission meeting to allow the applicant to revise the plat document and to submit additional information.**

10. No. 02SR028 - Fountain Springs Business Park

A request by Jerry Gyles for Golden West Technologies to consider an application for an **11-6-19 SDCL Review of a public utility in Light Industrial Zoning District** on Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 2727 North Plaza Drive.

**Planning Commission recommended that the 11-6-19 SDCL Review of a public utility in Light Industrial Zoning District be continued to the February 20, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

11. No. 02SR031 - Original Town of Rapid City

A request by Robert Schlimgen for the Rapid City Area School District to consider an application for an **11-6-19 SDCL Review to move the heating, venting, air conditioning unit on public property** on Parcel 1-2; Lots 1-16; Lot A; Parcel 5-6; and vacated alley (also in Section 1, T1N, R7E), all located in Block 65 of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 6th Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to move the heating, venting, air conditioning unit on public property be continued to the February 20, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

12. No. 03SR001 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public structure in a public place** on Tract 1 of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Canyon Lake Park.

**Planning Commission recommended that the 11-6-19 SDCL Review of a public structure in a public place be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **The applicant shall not propose any work within the floodway which will create a rise in base flood elevation;**
2. **The applicant shall follow all flood area construction regulations at all times including obtaining any required floodplain development permits;**

**Fire Department Recommendations:**

3. **Prior to any occupancy the applicant shall post the address on the picnic shelter readily visible from the street or parking lot.**

**Urban Planning Division Recommendations:**

4. **Any future expansion to or change in the proposed development shall require 11-6-19 South Dakota Codified Law Review;**
5. **All structures shall be of earth tone color at all times;**
6. **The applicant shall submit a sign package for review and approval prior to issuance of a building permit;**
7. **The applicant shall submit a lighting plan for review and approval prior to issuance of a building permit;**
8. **No structure shall be used for human habitation at any time;**
9. **Service facilities, such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area, or flood proofed; and,**
10. **All codes and requirements of the City of Rapid City Municipal Code must be met at all times.**

13. **No. 03SR002 - Rapid City Greenway Tract**

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public facility in a public place** on Tract 35 and Tract 36, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street along East St. James Street at the Black Hills Polo and Soccer Grounds.

**Planning Commission recommended that the 11-6-19 SDCL Review of a public facility in a public place be continued to the February 20, 2003 Planning Commission meeting to allow time for the applicaint to submit additional information.**

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

8. **No. 03PL004 - Section 25, T2N, R7E**

A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. to consider an application for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington

County, South Dakota, more generally described as being located west of Haines Avenue and north of Interstate 90.

Fisher stated that Staff recommends that the Preliminary and Final Plat be continued to the February 20, 2003 Planning Commission at the applicant's request.

**Hoffmann moved, Stone seconded and carried unanimously to recommend that the Preliminary and Final Plat be continued to the February 20, 2003 Planning Commission meeting at the applicant's request. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

9. No. 02SR011 - Section 6, T1N, R8E

A request by Ron Buskerud for Pennington County to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public building and related improvements** on the E1/2 of the NE1/4 of the SW1/4 of the NE1/4 and NW1/4 of the NE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Pennington County Fairgrounds.

Fisher advised that the stipulations of approval have not been met, specifically the stipulations listed under Urban Planning Division regarding a revised site plan identifying landscaping and parking. She added that this information should be forthcoming and Staff is recommending that the 11-6-19 SDCL Review be continued to the February 20, 2003 Planning Commission meeting at the applicant's request.

**Hoffmann moved, Mashek seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements be continued to the February 20, 2003 Planning Commission meeting at the applicant's request. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

14. No. 03SR003 - Original Town of Rapid City

A request by MegaCom for Verizon Wireless to consider an application for an **11-6-19 SDCL Review of a public utility** on Lots 1 thru 16 of Block 91; Lots 21 thru 24 of Block 91; and, Lots 12 and 13 of Block 101; all located in Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of West Boulevard between St. Joseph Street and Quincy Street.

Wall requested that Staff review the requests.

Marino reviewed the slides, the site plan and the diagrams of the proposed antenna. Elkins advised that the antenna would be located at the top of the structure. She added that it would be white in color to blend in with the building. She further explained that due to the height of the building, Staff did not feel

that it would have a significant visual impact.

In response to a question by Wall, Elkins stated that the antenna would hang over the sides of the building.

In response to a question by Rodriguez, Ken Weber, Megacom, advised that there is no lighting required by the Federal Aviation Administration for this antenna because it does not extend above the highest point of the structure. Weber stated that the antenna is placed on this retractable apparatus to provide access for maintenance. He added that the antenna will fit flush with the building but there will be bar across the top that flips up for maintenance.

Swedlund expressed concerns with drawing A2 and the protrusions over the edge of the building. Weber explained that the antennas are on a swivel bracket so that they extend out and down over the rack. He added that the entire apparatus would extend approximately 18 inches above the edge of the Penthouse wall.

Swedlund expressed his concerns with aesthetics and asked if there were any other options available to the applicant. Discussion followed concerning options.

**Swedlund moved, Schmidt seconded to deny the 11-6-19 SDCL Review of a public utility.**

Weber stated that, based on the Telecommunications Act of 1996, aesthetics is not a basis for denial in zoning.

Hoffmann stated that he was not in favor of the construction of huge monopoles and he expressed his support for the applicant's proposal to place antennas on the side of the building approximately 8 feet 6 inches down from the roofline. He added that in his opinion the Planning Commission has a responsibility to the public to assist in the placement of micro-cell towers.

In response to a question by Prairie Chicken, Weber advised of the following alternatives in the downtown area: the existing monopole located behind Hooky Jack's which would have to be extended; the construction of a new tower downtown; or the construction of an antenna on top of another downtown rooftop. Weber added that the owners of the building have reviewed the plans and have approved the antenna on top of their building.

Discussion followed concerning extending the monopole, limited space and the ability to add additional equipment.

Weber stated that in his opinion, he did not believe that anyone would notice the antennas on the side of the building. He added that the antennas would be painted the same color as the building and would blend in with the roofline versus having them extend above the roofline, which is a very common practice in the industry. He added that he sees this option as the least offensive of any option that a consultant could bring to the Planning Commission for review.

Swedlund stated that he would like to examine other options that would not deface a downtown building and suggested placing a pole on top of the building or extending the monopole behind Hooky Jack's.

Weber stated that Megacom designed this project to place the antennas on the face of the building believing that this option was less offensive than having a pod or array extending above the top of the building. Weber explained that if they were to build an antenna on top, they would build a triangular rack and then have two antennas on each of the three faces of the triangular rack. He added that the rack and antennas would be approximately 10 feet tall, as it would have to be able to clear the shadowing of the corner of the Penthouse. Weber added that this option would be considerably easier to construct, have the least impact and be less noticeable than placing antennas on the side of the building.

In response to a question by Elkins, Weber stated that the retractable rack could be slid back towards the face but there may still be some shadows when the structure is lit at night.

Elkins suggested that this item be continued to allow the Planning Commission to visit the site and to allow the applicant time to present an alternative drawing that identifies a different structure on top of the building.

Discussion followed.

**Swedlund amended his motion to recommend that the 11-6-19 SDCL Review of a public utility be continued to the February 20, 2003 Planning Commission meeting. The second concurred.**

Hoffmann expressed his opposition to a motion to continue or deny the request. He stated that in his opinion the applicant's present proposal is the least offensive.

Schmidt stated that he supports allowing the business to utilize their building as proposed.

**The vote on the motion carried to continue the 11-6-19 SDCL Review of a public utility to February 20, 2003 Planning Commission meeting. (5 to 2 Mashek, Prairie Chicken, Schmidt, Swedlund and Wall voting yes and Hoffmann and Stone voting no)**

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

**Staff requested that Items 15 and 16 be removed from the Hearing Consent Agenda for separate consideration. Mashek requested that Item 25 be removed**

from the Hearing Consent Agenda for separate consideration.

Hoffmann moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 thru 27 in accordance with the staff recommendations with the exception of Items 15, 16 and 25. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, and Wall voting yes and none voting no)

**---HEARING ITEMS CONSENT CALENDAR---**

17. No. 02PL051 - Professional Plaza Subdivision

A request by CSU Properties, LLC to consider an application for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of 5th Street and North Street.

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

**Fire Department Recommendations:**

1. All Uniform Fire Codes shall be continually met;
2. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;
3. Emergency vehicle access to structures shall be continually maintained;

**Urban Planning Division Recommendations:**

4. Prior to City Council approval of the Final Plat, the applicant shall provide written documentation from the affected utility companies identifying that they have reviewed and approved the miscellaneous document dedicating the utility easement(s) necessary for the relocation of existing utilities and future utilities;
5. Prior to City Council approval of the Final Plat, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easement(s) necessary for the relocation of existing utilities and installation of future utilities. In addition, the miscellaneous document shall include temporary utility easement(s) for the existing utilities until the necessary utility relocations have been completed. The applicant shall provide a copy of the filed document to the Rapid City Planning Department;
6. Prior to City Council approval of the Final Plat, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easements necessary to provide access for maintenance equipment to the sanitary sewer main located on the

**south side of the subject property and provide a copy of the filed document to the Rapid City Planning Department;**

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

\*18. No. 02PD063 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Planned Development Designation be continued to the March 6, 2003 Planning Commission meeting at the applicant's request.**

19. No. 02PL114 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the March 6, 2003 Planning Commission meeting at the applicant's request.**

20. No. 02RZ065 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a

**Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the March 6, 2003 Planning Commission meeting at the applicant's request.**

21. No. 02SV042 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve

to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be continued to the March 6, 2003 Planning Commission meeting at the applicant's request.**

\*22. No. 02PD068 - Skyview South Subdivision

A request by Brian Moser to consider an application for a **Major Amendment to a Planned Unit Development** on Lot 5 of Block 1 of Skyview South Subdivision located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2100 Huntington Place.

**Planning Commission approved the Major Amendment to a Planned Unit Development with the following stipulations:**

**Fire Department Recommendations:**

1. The driveway grade shall not exceed sixteen percent as per the Street Design Criteria Manual;
2. A hammerhead turnaround to accommodate fire apparatus shall be constructed at the end of the driveway;
3. The driveway shall be constructed with a minimum width of 20 feet. In addition, the first fifty feet of the driveway shall be paved with the balance of the driveway constructed with an all weather surface;

**Planning Department Recommendations:**

4. All previous conditions of approval for Final Unit Development Plan #99PD030 shall be continually met; and,
5. The building envelope on Lot 5, Block 1, Skyview South Subdivision shall be extended 110 feet into the subject property.

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Planning Department by close of business on the seventh full calendar day following action by the***

***Planning Commission.***

23. No. 03RZ003 - Owen Mann Subdivision

A request by J. Scull Construction Service for Jim Scull, Jr. to consider an application for a **Rezoning from Medium Density Residential District and Office Commercial District to General Commercial District** on Lot 10A, Block 1, Owen Mann Subdivision; and Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Federal Avenue along Kinney Avenue.

**Planning Commission recommended that the Rezoning from Medium Density Residential District and Office Commercial District to General Commercial District be continued to the February 20, 2003 Planning Commission meeting to be heard in conjunction with a Planned Development Designation request.**

24. No. 03SV002 - Laurel Heights Subdivision

A request by Thomas A. Casey to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement** as per Chapter 16.16 of the Subdivision Regulations on Revised Lot 5A and Revised Lot 23, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5A and Lot 23 less Lot A, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 1249 Pine Cone Lane.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, sewer, water and pavement on Laurel Heights Lane, Pine Cone Lane and an access easement 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 a future assessment project for the improvements;**
- 2. Upon Preliminary Plat submittal, the plat document shall be revised dedicating 29 additional feet of right-of-way for that portion of Pine Cone Lane located on Lot 5A; and,**
- 3. A Special Exception is hereby granted to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet.**

26. No. 03SV003 - Tower Ridge #2 Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road** as per Chapter 16.16 of the Subdivision Regulations on Lots 1 thru 7, Block 2; Lots

1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge #2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

**Planning Commission recommended that the Variance to Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road 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 any future assessment for the installation of water and sewer along Promise Road and U.S. Highway 16; and,**
2. **Curb side sidewalks shall be constructed along the east side of Promise Road.**

\*27. **No. 02UR031 - Wesleyan Christian Center**

A request by Lyle Henriksen for Wesleyan Health Care Center to consider an application for a **Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to a nursing home** on Tract B of Wesleyan Christian Center, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Wesleyan Boulevard.

**Planning Commission continued the Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to a nursing home be continued to the February 20, 2003 Planning Commission meeting to allow the applicant to address access issues and submit additional information.**

**---END OF HEARING CONSENT CALENDAR---**

15. **No. 02OA018 - Ordinance Amendment**

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider amendments to Section 2.60.160 to provide procedures for the amendment of the Comprehensive Plan and associated fee.

Elkins advised that Dr. Mickelson called this morning and was ill but expressed concerns with the Ordinance Amendment. She suggested that the Planning Commission continue the Ordinance Amendment to the February 20, 2003 Planning Commission to allow Staff time to address Dr. Mickelson's concerns.

**Mashek moved, Hoffmann seconded and unanimously carried to recommend that the Ordinance Amendment be continued to the February**

**20, 2003 Planning Commission meeting. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

Discussion followed concerning the language in Part C.

\*16. No. 02PD025 - Original Town of Rapid City

A request by CSU Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of 5th Street and North Street.

Seaman distributed a revised Staff Report with modifications to stipulations 17 and 18 and she added that the applicant has not completed the stipulations of approval and as such Staff is requesting that the Planned Commercial Development - Initial and Final Development Plan be continued to the February 20, 2003 Planning Commission meeting.

**Stone moved, Schmidt seconded and unanimously carried to continue the Planned Commercial Development – Initial and Final Development Plan to the February 20, 2003 Planning Commission meeting. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

In response to a question by Hoffmann, Seaman advised that the applicant has completed the requested noise study. The study indicated that the air handling units would not exceed acceptable noise levels.

25. No. 02PL123 - Tower Ridge #2 Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

Mashek asked Staff to review the Preliminary Plat request due to the number of Special Exceptions and Subdivision Variances requested.

Fisher presented the request, reviewed the slides, each Special Exception and Staff's recommendation.

Discussion followed concerning the Variance to the Subdivision Regulations, the Special Exception to reduce the stopping distance on Promise Road, the

Special Exception to reduce the construction requirements on Rockrimmon Road, the Special Exception to grant access to Lot 7, Block 2 from Promise Road, and the Special Exception to reduce the cul-de-sac diameter on Rockrimmon Road.

Additional discussion followed concerning the applicant's construction design plans, right-of-way and pavement design.

Schmidt asked if potential purchasers of lots in this area would be informed of the different variances and special exceptions. Fisher stated that Staff is working with the applicant so that there is a letter to the file and/or a note on the plat identifying that the design of the forced main sewer would be their responsibility.

In response to a question by Mashek, Elkins advised that typically there are one or two special exceptions in developments and are noted similarly. Fisher commented that the Vista Lakes Subdivision had in excess of ten special exceptions based on the topographical concerns.

**Hoffmann moved, Stone seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to Preliminary Plat approval by the City Council, revised construction plans showing the valve(s) and pipe, including type and size, for the force sewer main shall be submitted for review and approval. In addition, a design letter identifying the class and material of pipe, the maximum flow capacity and the range of design flow of the force sewer main shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, revised construction plans shall be submitted for review and approval providing access across Lot 2 and/or 3 of Block 3 to the manhole located within the U.S. Highway 16 right-of-way. In addition, the access easement shall be surfaced in gravel to provide an all weather access road to the manhole;**
- 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a sidewalk along both sides of Promise Road as it extends south from Rockrimmon Road or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, a note shall be placed on the construction plans stating that existing utilities (e.g. Qwest, Golden West Communications, etc.) located within the U.S. Highway 16 right-of-way may be required to relocate if and as necessary in order to install public improvements;**
- 5. Prior to Preliminary Plat approval by the City Council, revisions to the drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage**

**easements as necessary;**

- 6. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval showing the extension of water and sewer in the balance of the U.S. Highway 16 right-of-way as it abuts the subject property and the balance of the Promise Road right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted reducing the grade along that portion of Lot 3, Block 3 as it abuts Promise Road in order to provide sufficient sight distance for any proposed approach(s) to the lot or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;**
- 9. Prior to Preliminary Plat approval by the City Council, all affected utilities shall concur with the proposed section line highway vacation or road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations;**
- 10. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a Limited Access Easement to allow for a right in/right-out only access point along the northern portion of Lot 7, Block 2;**
- 11. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a shared approach to Lots 2 and 3 of Block 3 or a minimum 75 foot separation between driveway(s) and/or approaches shall be maintained;**
- 12. A Special Exception is hereby granted to reduce the stopping sight distance on Promise Road as it abuts U.S. Highway 16 in accordance with the 2001 American Association of State Highway Transportation Officials (AASHTO) Standards provided that additional lighting is provided in accordance with these same standards;**
- 13. A Special Exception is hereby granted to reduce the construction requirements of Rockrimmon Road from a minimum 59 foot wide right-of-way with a minimum 26 foot wide paved surface to a minimum 47 foot wide right-of-way with a 22 foot wide paved surface;**
- 14. A Special Exception is hereby granted to allow access to Lot 7, Block 2 from Promise Road, a street that is not the lesser order road, contingent upon the minimum separation requirement between the Promise Road/Rockrimmon Road intersection and/or additional driveways being met and that minimum sight distance requirements are met;**

**Fire Department Recommendation:**

- 15. A Special Exception is hereby granted to reduce the pavement diameter from 92 feet to 90 feet for the Rockrimmon Road cul-de-**

sac;

16. An all weather temporary turnaround shall be provided at the southern end of Promise Road to accommodate fire apparatus;

**South Dakota Department of Transportation Recommendations:**

17. Prior to Preliminary Plat approval by the City Council, construction plans for the proposed deceleration lanes within the U.S. Highway 16 right-of-way shall be submitted for review and approval;
18. A Right-of-way Permit shall be obtained prior to any work within the U.S. Highway 16 right-of-way;

**Urban Planning Division Recommendations:**

19. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the section line highway located along the south lot line;
20. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
21. 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.

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Elkins requested that Items 28 and 29 be considered concurrently.

28. No. 02PL102 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

29. No. 02VR005 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Elkins stated that Staff is recommending that the Final Plat and Vacation of Right-of-Way be continued to the February 20, 2003 Planning Commission meeting to allow the applicant time to submit an original signed petition.

**Hoffmann moved, Prairie Chicken seconded and carried to recommend that the Final Plat and the vacation of section line highway be continued to the February 20, 2003 Planning Commission meeting to allow the applicant time to submit a signed, original vacation petition document for**

**approval. (6 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund and Wall voting yes, none voting no and Stone abstaining)**

Fisher requested that Items 30 thru 33 be considered concurrently.

\*30. No. 03PD002 - Springbrook Acres Addition

A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby to consider an application for a **Planned Development Designation** on a tract of land located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the unplatted balance of Tract SB of Springbrook Acres, said corner being coincident with the southeast corner of Lot 1 of Sandstone Ridge Subdivision and said corner being marked by a rebar with cap number 1019; thence, South 00 degrees 02 minutes 11 seconds East, along the easterly boundary of said unplatted balance of Tract SB of Springbrook Acres, a distance of 478.94 feet, more or less, to a point marked by a rebar with cap number 6565; thence, South 88 degrees 30 minutes 54 seconds West, a distance of 1,202.59 feet, more or less, to a point along the northeasterly boundary of Lot 19R2 of Fairway Hills PRD, said point being marked by a rebar with 1771 cap; thence, North 45 degrees 00 minutes 59 seconds West, continuing along the northeasterly boundary of Lot 19R2 of Fairway Hills PRD and the westerly boundary of the unplatted balance of Tract SB of Springbrook Acres, a distance of 166.77 feet, more or less, to a point marked by a rebar with 1771 cap; thence, North 01 degrees 05 minutes 21 seconds West, continuing along the westerly boundary of the unplatted balance of Tract SB of Springbrook Acres, a distance of 6.25 feet, more or less, to a point marked by a rebar with 1771 cap; thence, North 00 degrees 03 minutes 18 seconds East, continuing along the westerly boundary of said unplatted balance of Tract SB, a distance of 55.33 feet, more or less, to the southeasterly corner of Lot 3R of Sandstone Ridge Subdivision, said point being marked by a rebar with 6565 cap; thence, North 00 degrees 03 minutes 18 seconds East, continuing along the westerly boundary of said unplatted balance of Tract SB and the easterly boundary of Lot 3R of Sandstone Ridge Subdivision, a distance of 248.63 feet, more or less, to the a point marked by a rebar with "Arleth" cap; thence, North 00 degrees 07 minutes 09 seconds East, continuing along the westerly boundary of said unplatted balance of Tract SB of Springbrook Acres and the southerly boundary of Lot 2 of Sandstone Ridge Subdivision, a distance of 85.44 feet, more or less, to the northwest corner of the unplatted balance of Tract SB of Springbrook Acres, said point being marked by a rebar with "Arleth" cap; thence, South 89 degrees 51 minutes 04 seconds East, along the northerly boundary of said unplatted balance of Tract SB of Springbrook Acres and the southerly boundaries of Lots 1 and 2 of Sandstone Ridge Subdivision, a distance of 1,319.49 feet, more or less, to the point of beginning, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

\*31. No. 03PD003 - Springbrook Acres Addition

A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby to consider an application for a **Planned Development Designation** on a tract of land located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South

Dakota, more fully described as follows: Commencing at the northeast corner of the unplatted balance of Tract SB of Springbrook Acres, said corner being coincident with the southeast corner of Lot 1 of Sandstone Ridge Subdivision and said corner being marked by a rebar with cap number 1019; thence, South 00 degrees 02 minutes 11 seconds East, along the easterly line of said unplatted balance of Tract SB, a distance of 478.94 feet, more or less to a point marked by a rebar with cap number 6565; thence, South 00 degrees 02 minutes 11 seconds East, continuing along the easterly line of said unplatted balance of Tract SB, a distance of 859.15 feet, more or less to a point marked by a rebar with cap number 1019; thence, South 00 degrees 04 minutes 14 seconds East, continuing along the easterly line of said unplatted balance of Tract SB, a distance of 576.77 feet, more or less, to the point of beginning. Said point being marked by a rebar with cap number 6565; thence, South 00 degrees 04 minutes 14 seconds East, continuing along the easterly line of said unplatted balance of Tract SB, a distance of 84.83 feet, more or less, to a point marked by a rebar with cap number 1019; thence, South 00 degrees 33 minutes 12 seconds West, continuing along the easterly line of said unplatted balance of Tract SB, a distance of 657.06 feet, more or less, to a point marked by a rebar; thence, North 20 degrees 49 minutes 09 seconds West, along the southerly line of said unplatted balance of Tract SB, a distance of 66.23 feet, more or less, to a point marked by a rebar; thence, South 83 degrees 52 minutes 43 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 341.14 feet, more or less, to a point marked by a rebar with "Hale" cap; thence, North 06 degrees 05 minutes 55 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 292.75 feet, more or less, to a point marked by a rebar; thence, North 18 degrees 47 minutes 45 seconds East, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 85.85 feet, more or less, to a point marked by a rebar with "Hale" cap; thence, North 71 degrees 46 minutes 02 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 39.89 feet, more or less, to a point marked by a rebar with "Hale" cap; thence, North 82 degrees 50 minutes 13 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 210.74 feet, more or less, to a point marked by a rebar; thence, North 55 degrees 11 minutes 18 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 72.32 feet, more or less, to a point marked by a rebar; thence, North 36 degrees 11 minutes 09 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 139.47 feet, more or less, to a point marked by a rebar; thence, North 22 degrees 27 minutes 40 seconds West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 196.89 feet, more or less, to a point marked by a rebar; thence, South 68 degrees 26 seconds 06 minutes West, continuing along the southerly line of said unplatted balance of Tract SB, a distance of 340.21 feet, more or less, to a point marked by a rebar with 1019 cap; thence, North 12 degrees 10 minutes 49 seconds West, along the westerly line of said unplatted balance of Tract SB, a distance of 397.97 feet, more or less, to a point marked by a rebar with 1019 cap; thence, North 08 degrees 34 minutes 27 seconds West, continuing along the westerly line of said unplatted balance of Tract SB, a distance of 193.22 feet, more or less, to a point marked by a rebar with "Hanson" cap; thence, North 18 degrees 52 minutes 17 seconds

West, continuing along the westerly line of said unplatted balance of Tract SB, a distance of 175.15 feet, more or less, to a point marked by a rebar with "Hale" cap; thence, North 00 degrees 02 minutes 04 seconds East, continuing along the westerly line of said unplatted balance of Tract SB, a distance of 329.97 feet, more or less, to a point marked by a rebar with 1019 cap; thence, North 88 degrees 09 minutes 53 seconds East, continuing along the westerly line of said unplatted balance of Tract SB, a distance of 111.85 feet, more or less, to a point marked by a rebar with 1771 cap; thence, South 50 degrees 51 minutes 34 seconds East, a distance of 1,560.32 feet, more or less, to the point of beginning, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

32. No. 03PL002 - Springbrook Acres Addition

A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby to consider an application for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills Planned Residential Development and all of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

33. No. 03SV005 - Springbrook Acres Addition

A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby to consider an application for a **Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

Fisher presented the requests and reviewed the slides and Staff's recommendations. She recommended that both of the Planned Development Designations, the Preliminary and Final Plat and the Variance to the Subdivision Regulations be approved with stipulations as outlined in the Staff Reports.

**Hoffmann moved, Stone seconded and unanimously carried to approve both Planned Development Designations with the condition that no sign permits or billboards be allowed unless approved as part of a Final Development Plan,**

***The Rapid City Planning Commission's action on the Planned Development Designations is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Planning Department by close of business on the seventh full calendar day following action by the Planning Commission;***

to recommend that the Preliminary and Final Plat be approved with the following stipulations:

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the City Council, road construction plans for the cul-de-sac at the end of Holiday Lane shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the construction plans shall show the extension of water, sewer, street light conduit, curb, gutter, sidewalk and pavement;
2. A Special Exception to waive the requirement to dedicate right-of-way for the Holiday Lane cul-de-sac is hereby granted with the stipulation that upon approval of an Initial and Final Planned Residential Development, right-of-way for the cul-de-sac or possible road extension be dedicated;
3. Prior to Preliminary Plat approval by the City Council, construction plans for Estates Drive and Foothills Drive providing a minimum 49 foot wide right-of-way with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

**Urban Planning Division Recommendations:**

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

and, to recommend that the Variance to the Subdivision Regulations to waive the requirement to improve Holiday Lane, Foothills Drive and Estates Drive to City street design standards 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 a future assessment project for the improvements; and,
2. Upon submittal of an Initial and Final Planned Residential Development, road construction plans shall be submitted for review and approval. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)

Kurtenbach requested that Items 34 and 35 be considered concurrently.

34. No. 03PL003 - Two Cow Subdivision

A request by Gary and Donna Kluthe to consider an application for a **Layout Plat** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 9425 Sheridan Lake Road.

35. No. 03SV004 - Two Cow Subdivision

A request by Gary and Donna Kluthe to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Subdivision Regulations** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 9425 Sheridan Lake Road.

Kurtenbach presented the requests, reviewed the Staff Reports and slides. He recommended that the Layout Plat and the Variance to the Subdivision Regulations be approved with stipulations as outlined in the staff reports.

In response to a request from Wall, Kurtenbach identified the location of Lots A and B and the acreage of each proposed lot.

Gary Kluthe, applicant, explained that he would like to build a smaller home on proposed Lot A, which is approximately 6 acres in size, and sell the remaining 58 acres. Kluthe expressed his concerns with the stipulation that upon Preliminary Plat approval, he shall identify access to proposed Lot A from Peregrine Point Place. He also expressed concerns with the Staff's recommendation to deny the Variance to the Subdivision Regulations to waive pavement, curb, gutter, sidewalk, dry sewer and street light conduit along Peregrine Point Place. Kluthe requested that the Planning Commission approve access off Sheridan Lake Road or approve access off Peregrine Point Place without having to provide all of the improvements.

Discussion followed concerning the cost to pave Peregrine Point Place, the separation distance between the well and the septic tank wastewater disposal system and subdivision improvements.

In response to a question by Schmidt, Kluthe added that the costs of the road improvements are prohibitive and that he would have to sell all 64 acres and move away from the area.

Hoffmann expressed his concerns with the recommended stipulations. He

stated that in this situation he supported waiving the requirements to pave and install sewer and water along Peregrine Point Place.

Elkins explained that the stipulations outlined are standard requirements that have been enforced for over 30 years in this area and the only exceptions that have been granted have been at the very edge of the three-mile platting jurisdiction where property is partially in and partially out of the extra-territorial jurisdiction. She further added that the development along Sheridan Lake Road is evidence of the need to ensure that the improvements are built to City standards. She explained that the County has spent a considerable amount of taxpayer dollars to improve roads in the area. She added that there have been concerns expressed by area landowners regarding the degradation of the ground water.

Discussion followed concerning having the applicant sign a Waiver of Right to Protest. Elkins explained that assessments cannot be done outside the City limits and as such there is no guarantee that the City would be able to use the Waiver of Right to Protest. She added that if the City does not have the applicant construct the improvements now, the City does not have the ability to get the landowners to participate when additional development of adjoining land occurs in the future. She explained that a Waiver of Right to Protest does not help the City until the property has been annexed into the City limits.

Further discussion followed concerning substandard roads, costs to area taxpayers and future annexation plans.

Hoffmann stated that in his opinion he could not support approving the Layout Plat and the Variance to the Subdivision Regulations with stipulations. He added that he hopes that the applicant and Staff can reach a mutually acceptable option.

**Hoffmann moved and Schmidt seconded to recommend that the Layout Plat and the Variance to the Subdivision Regulations be continued to the February 20, 2003 Planning Commission meeting.**

Discussion followed concerning subdividing the property, the required improvements, unusable strips of land, assessment districts and the creation of a Planning Commission subcommittee to discuss rural road issues.

Stone stated that he concurred with Hoffmann but did not think that a continuance would be worthwhile.

Hoffmann stated that in his opinion, a subcommittee was not necessary and he believes that Staff and the applicant can reach an agreement. He added that he supports a continuance to allow the applicant time to meet with Staff.

Wall asked about placing a Planned Development Designation on the property. Elkins stated that the property is located outside of the City limits and as such the City would not be involved in any Planned Development review. She added that any issues relative to a Planned Development Designation would be in the

hands of Pennington County.

**Hoffmann called the question. There was no objection to calling the question.**

**The vote on the motion carried to continue the Layout Plat and the Variance to the Subdivision Regulations to the February 20, 2003 Planning Commission meeting. (6 to 1 with Hoffmann, Mashek, Schmidt, Stone, Swedlund and Wall voting yes and Prairie Chicken voting no)**

Discussion followed concerning an agreement between the City and Lazy P6 Land Company, extenuating issues and future annexation plans.

36. No. 03SR004 - Section 12, T1N, R7E

A request by MegaCom for Verizon Wireless to consider an application for an **11-6-19 SDCL Review of a public utility** on Tract A of Lot 1 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

Marino presented the request, reviewed the slides and zoning. He advised that the property is zoned High Density Residential District and this zoning district does not allow any micro-cell antennas as a permitted or conditional use. Marino stated that based on the zoning regulations, Staff is recommending that the 11-6-19 SDCL Review be denied.

**Schmidt moved and Hoffmann seconded to recommend that the 11-6-19 SDCL Review of a public utility be denied.**

In response to a question by Swedlund, Elkins explained that micro-cell antennas are not allowed in residential zoning districts.

Discussion followed concerning area zoning, granting exceptions and the proposed telecommunications ordinance.

Ken Weber, Megacom, stated that Verizon has been working since January, 2001 on seven locations throughout the community. He added that there are only two structures tall enough to meet the carrier requirements in this area. He added that the Medical Center and the elderly hi-rise are the only locations suitable for micro-cell antennas and the Medical Center has already indicated that they do not want any antennas on their rooftop.

Discussion followed concerning placement of a monopole in the area, other site locations considered, the possible granting of an exception, conditional uses and the possible rezoning of the property from High Density Residential District to General Commercial District with a Planned Commercial Development or Planned Residential Development attached to it.

Jason Green, Assistant City Attorney, noted that this application is an 11-6-19 SDCL Review and the Planning Commission's duty is to review the location and

extent of the proposed use of the property. He added that Staff has presented the Planning Commission with what the ordinance typically allows and that the Planning Commission is not bound by the ordinance under the 11-6-19 SDCL Review.

In response to a question by Schmidt, Green explained that the 11-6-19 SDCL Review process does not require notification of area property owners.

Elkins cautioned the Planning Commission about approving a request through the 11-6-19 SDCL review that does not comply with the basic standards of the Zoning Ordinance or the Comprehensive Plan.

Discussion followed concerning placing an antenna on top of the elderly hi-rise building.

**Swedlund made a substitute motion, Hoffmann seconded and unanimously carried to recommend that the 11-6-19 SDCL Review of a public utility be continued to the February 20, 2003 Planning Commission meeting. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

Bulman requested that Items 37 and 38 be considered concurrently.

37. No. 03TI001 - Heartland Retail Center

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District #38** on a parcel of land located in part of the NE1/4 SW1/4 and S1/2 SW1/4 of Section 27, and all of the N1/2 NW1/4 of Section 34, all in T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as follows: Beginning at the center north 1/16 corner of said Section 34, a pin and cap stamped Arleth and Assoc., RLS 3977, this being the point of beginning; thence N89°52'24"W along the south line of said N1/2 NW1/4, 2526.27 feet to a point lying on the easterly right-of-way line of Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on the southerly railroad right-of-way line, said point is lying on a curve concave to the northwest and whose chord bears N71°31'11"E, 767.24 feet, thence northeasterly along said southerly railroad right-of-way line the following four courses; thence continuing along the arc of said curve to the left whose radius is 5829.58 feet and having a central angle of 07°32'46", an arc length of 767.79 feet to a point on said curve; thence N22°15'13"W, 50.00 feet to a point lying on a curve concave to the northwest and whose chord bears N60°03'38"E, 1545.97 feet, thence continuing along the arc of said curve to the left whose radius is 5779.58 feet and having a central angle of 15°22'19", an arc length of 1550.61 feet to a point of tangency; thence N52°22'28"E, 208.14 feet; thence departing said southerly railroad right-of-way line, S89°40'45"E, 319.90 feet; thence S00°14'20"W, 1374.57 feet to the northeast corner of said N1/2 NW1/4; thence S00°01'50"W along the easterly line of said N1/2 NW1/4, 1318.56 feet to the point of beginning; and, Lot 1 and 2 of Tract F of W-Y Addition in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H5 and Lot H6 in

the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H9 in that part of the S1/2SW1/4 of Section 27 lying south of the relocation of the Chicago and Northwestern Transportation Company right-of-way in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south of Lot H9 in the S1/2SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the S1/2SE1/4 of Section 28 less Lot E of S1/2SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3, H4, H5, H6, & H7 located in the NE1/4SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the existing US Highway 14 & 16 right-of-way prior to 1935 located in the N1/2SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 in the SW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the N1/2W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as recorded in Highway Book 9 page 125; and, Lot H3 in the S1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south Lot H1 in the W1/2SW1/4 and Lot H3 in the S1/2 SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 & Lot H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the E1/2SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way south of Lot H1 in the SE1/4 of Section 33 and south of Lot H2 in the E1/2SE1/4 of Section 33, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 66 foot Section line right-of-way located between Sections 33 & 34 in T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the N1/2 of Government Lot 4 & Lot H3 in the S1/2 of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the W1/2SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lot H1 in the SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot section line right-of-way located north of Lot H2 in the N1/2 of Government Lot 4 of Section 3 and Lot H1 in the NW1/4NW1/4 of Section 3, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lot H1 in the NE1/4 of

Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, 66 foot section line right-of-way located between Section 4 and Section 3 all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 30 foot dedicated right-of-way lying adjacent to Lot A of Lot 1R of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and Elk Vale Road.

38. No. 03TI002 - Heartland Retail Center

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District #38 - Project Plan** on a parcel of land located in part of the NE1/4 SW1/4 and S1/2 SW1/4 of Section 27, and all of the N1/2 NW1/4 of Section 34, all in T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as follows: Beginning at the center north 1/16 corner of said Section 34, a pin and cap stamped Arleth and Assoc., RLS 3977, this being the point of beginning; thence N89°52'24"W along the south line of said N1/2 NW1/4, 2526.27 feet to a point lying on the easterly right-of-way line of Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on the southerly railroad right-of-way line, said point is lying on a curve concave to the northwest and whose chord bears N71°31'11"E, 767.24 feet, thence northeasterly along said southerly railroad right-of-way line the following four courses; thence continuing along the arc of said curve to the left whose radius is 5829.58 feet and having a central angle of 07°32'46", an arc length of 767.79 feet to a point on said curve; thence N22°15'13"W, 50.00 feet to a point lying on a curve concave to the northwest and whose chord bears N60°03'38"E, 1545.97 feet, thence continuing along the arc of said curve to the left whose radius is 5779.58 feet and having a central angle of 15°22'19", an arc length of 1550.61 feet to a point of tangency; thence N52°22'28"E, 208.14 feet; thence departing said southerly railroad right-of-way line, S89°40'45"E, 319.90 feet; thence S00°14'20"W, 1374.57 feet to the northeast corner of said N1/2 NW1/4; thence S00°01'50"W along the easterly line of said N1/2 NW1/4, 1318.56 feet to the point of beginning; and, Lot 1 and 2 of Tract F of W-Y Addition in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H5 and Lot H6 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H9 in that part of the S1/2SW1/4 of Section 27 lying south of the relocation of the Chicago and Northwestern Transportation Company right-of-way in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south of Lot H9 in the S1/2SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the S1/2SE1/4 of Section 28 less Lot E of S1/2SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3, H4, H5, H6, & H7 located in the NE1/4SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the existing US Highway 14 & 16 right-of-way prior to 1935 located in the N1/2SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County,

South Dakota; and, Lot H1 and Lot H2 in the SW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the N1/2W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as recorded in Highway Book 9 page 125; and, Lot H3 in the S1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south Lot H1 in the W1/2SW1/4 and Lot H3 in the S1/2 SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 & Lot H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the E1/2SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way south of Lot H1 in the SE1/4 of Section 33 and south of Lot H2 in the E1/2SE1/4 of Section 33, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 66 foot Section line right-of-way located between Sections 33 & 34 in T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the N1/2 of Government Lot 4 & Lot H3 in the S1/2 of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the W1/2SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lot H1 in the SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot section line right-of-way located north of Lot H2 in the N1/2 of Government Lot 4 of Section 3 and Lot H1 in the NW1/4NW1/4 of Section 3, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, 66 foot section line right-of-way located between Section 4 and Section 3 all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 30 foot dedicated right-of-way lying adjacent to Lot A of Lot 1R of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and Elk Vale Road.

Bulman reviewed the Staff Reports and distributed a revised table that reflects interest compounded annually in accordance with the financing anticipated by the applicant. She reviewed the slides and the Tax Increment Committee's recommendations.

Discussion followed concerning public improvements including: the water main

extension from Beale Street, the lift station, the force main (sewer) and gravity sewer improvements, the two drainage detention dams, the Eglin Street improvements, the deceleration lane proposed, the intersection signalization and the water main construction on Elk Vale Road.

Further discussion followed concerning prime commercial sites, the Heartland Express, the value of the district, the impact on taxpayers and the Tax Increment Financing guidelines.

**Stone moved and Mashek seconded to recommend approval of the Resolution Creating Tax Increment District No. 38 and the Tax Increment District No. 38 Project Plan with the revised chart and Resolution.**

Discussion followed concerning billboards. Elkins explained that the Pennington County Planning Commission is currently reviewing requests for billboards on property to the east of the proposed Tax Increment Financing District.

Swedlund and Hoffmann expressed concerns with billboard construction outside of the Tax Increment Financing District.

**The vote on the motion unanimously carried to recommend approval of the Resolution Creating Tax Increment District No. 38 and the Tax Increment District No. 38 Project Plan and Resolution. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

Additional discussion followed concerning annexation issues and the placement of billboards along this commercial corridor.

**Swedlund moved, Hoffmann seconded and unanimously carried to authorize the Chair to sign a letter to the Pennington County Commission requesting that they defer action on any development i.e. billboards within the annexation area until the annexation issue is resolved. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**

39. Discussion Items

A. Planning Commission Resignation - Paul Swedlund

Swedlund advised that on Tuesday, February 4, 2003 he tendered his resignation from the Planning Commission to Mayor Munson. He explained that he is starting a new position with the Federal District Court and added that he would not be able to dedicate the morning hours to the meetings that the Planning Commission duties require. He stated that it has been a pleasure serving with the Planning Commission and he hopes that their good work continues.

Schmidt and Elkins thanked Swedlund for his work and in particular recognized his dedicated service to the Historic Preservation Commission.

B. Open House - Telecommunications Facilities Master Plan and Ordinance

Elkins advised that there will be an Open House to discuss the Telecommunications Facilities Master Plan and Ordinance on Monday, February 10, 2003 from 5:00 to 7:00 p.m. at the Rapid City Public Library in Meeting Room B.

Discussion followed concerning medical concerns regarding antennas.

C. Public Works Committee Meeting

Elkins advised that the Public Works Committee meeting has been moved to Wednesday, February 12, 2003 so that Council members can attend the Tuesday, February 11, 2003 hearing before the Legislative Local Government House Committee to discuss the three bills that address annexation and issues regarding the protection of the airport.

D. Agreement between the City of Rapid City and Lazy P-6 Land Company

Elkins advised that the agreement between the City of Rapid City and Lazy P-6 Land Company has been distributed on the dais for Planning Commission review.

40. Staff Items  
None

**Hoffmann moved, Stone seconded and unanimously carried to adjourn the meeting at 9:10 a.m. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund and Wall voting yes and none voting no)**