

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 9, 2003

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone and Stuart Wevik. Also, present was City Council Representative, Sam Kooiker.

STAFF PRESENT: Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Dan Coon, Mike Booher and Nadine Bauer

Vice-Chairperson Schmidt called the meeting to order at 7:00 a.m.

**Schmidt 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.**

**Prairie Chicken requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Stone moved, seconded by Prairie Chicken and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 5 in accordance with the staff recommendations with the exception of Item 1. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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

2. No. 02PL029 - Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the November 6, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

3. No. 02PL093 - Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Longview Drive to the east of East 53rd Street and Reservoir Road.

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**Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the November 6, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

4. No. 03SR028 - 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 use in a public place** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street between Brennan Avenue and Elm Avenue.

**Planning Commission recommended that the 11-6-19SDCL Review of a public use in a public place be continued to the November 6, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

5. No. 03SR042 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow a public use in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow a public use in a public place be continued to the October 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

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

1. Approval of the September 25, 2003 Planning Commission Meeting Minutes.

Prairie Chicken advised that he pulled the wrong item from the Non-Hearing Items Consent Calendar. He stated that he actually had a minor question regarding the continuance of Item #2.

**Prairie Chicken moved, second by Wevik and unanimously carried to recommend that the September 25, 2003 Planning Commission minutes be approved. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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

Schmidt 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.

**Prairie Chicken requested that Item 8 be removed from the Hearing Consent Agenda for separate consideration. Staff requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration.**

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**Wevik moved, second by Brown and unanimously carried to recommend approval of the Hearing Consent Agenda Items 6 through 22 in accordance with the staff recommendations with the exception of Items 8 and 22. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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

6. No. 03CA023 - Pioneer Subdivision

A request by Renner and Sperlich Engineering Company for 16 Plus LLP to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.3 acre parcel of land from General Agriculture to General Commercial** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning and less the east 400 feet Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial be continued to the October 23, 2003 Planning Commission meeting.**

7. No. 03RZ038 - Pioneer Subdivision

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A request by Renner and Sperlich Engineering Company for 16 Plus LLP to consider an application for a **Rezoning from No Use District to General Commercial District** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the October 23, 2003 Planning Commission meeting.**

9. No. 03CA025 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.90 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Medium Density Residential with a Planned Residential Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence N89°18'29"W 500.00 feet to the TRUE POINT OF BEGINNING; thence N89°18'29"W 197.03 feet; thence N01°18'09"W 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of

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S09°21'48"E a chord length of 194.71 feet; thence N20°01'46"W 210.75 feet; thence along a curve to the right having a radius of 893.51 feet through a central angle of 01°56'23" with an arc length of 170.60 feet a chord length of 170.34 feet; thence S00°41'31"E 356.77 feet; thence S89°18'29"E 151.22 feet; thence S00°41'31"W 250.00 feet to the Point of Beginning; said parcel containing 1.90 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.90 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Medium Density Residential with a Planned Residential Development be tabled to allow the applicant to submit a corrected legal description.**

10. No. 03CA027 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 20.82 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Low Density Residential with a Planned Residential Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the TRUE POINT OF BEGINNING; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence S01°18'09"W 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning; said parcel containing 20.82 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 20.82 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Low Density Residential with a Planned Residential Development be tabled to allow the applicant to submit a corrected legal description.**

11. No. 03CA028 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 5.33 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Office Commercial with a Planned Commercial Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/4 corner of Section 26; Thence S42°17'18"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N31°04'35"E 503.44 feet; thence N01°18'09"E 400.00 feet; thence S88°41'51"E 201.58 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet to the Point of Beginning; said parcel



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containing 5.33 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 5.33 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to Office Commercial with a Planned Commercial Development be tabled to allow the applicant to submit a corrected legal description.**

12. No. 03CA029 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.04 acre parcel of land from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/2 corner of Section 26; thence S42°17'28"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N01°18'09"E 924.20 feet; thence S88°41'51"E 238.42 feet; thence S01°18'09"W 400.00 feet; thence S31°04'35"W 503.44 feet; thence S06°15'29"E 87.98 feet to the Point of Beginning; said parcel containing 4.04 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.04 acre parcel of land from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development be tabled to allow the applicant to submit a corrected legal description.**

13. No. 03CA026 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.67 acre parcel of land from Planned Unit Development to Medium Density Residential with a Planned Residential Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the TRUE POINT OF BEGINNING; thence N89°18'29"W 500.00 feet; thence N00°41'31"E 250.00 feet; thence N89°18'29"W 151.22 feet; thence N00°41'31"E 356.77 feet; thence S46°19'54"E 890.09 feet to the Point of Beginning; said parcel containing 3.67 acre more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 3.67 acre parcel of land from Planned Unit Development to Medium Density Residential**

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**with a Planned Residential Development be continued to the October 23, 2003 Planning to the October 23, 2003 Planning Commission meeting to allow the staff to correctly advertise the request.**

\*14. No. 03PD048 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the POINT OF BEGINNING; thence N89°18'29"W 697.03 feet; thence N01°18'09"E 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of N09°21'48"W and a chord length of 194.71 feet along said curve; thence N20°01'46"W 210.75 feet; thence along a curve to the right having a radius of 893.51 feet through a central angle of 10°56'23" with an arc length of 170.60 feet, a chord bearing of N64°30'03"E and a chord length of 170.34 feet along said curve; thence S46°19'54"E 890.09 feet to the POINT OF BEGINNING; said parcel containing 5.57 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission continued the Planned Development Designation to the October 23, 2003 Planning Commission meeting.**

15. No. 03RZ040 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence N09°37'30"E 863.62 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.06 feet, a chord bearing of N76°41'20"E and a chord length of 170.60 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 194.71 feet, a chord bearing of S09°21'48"E and a chord length of 195.84 feet along said curve; thence S01°18'09"W 376.86 feet; thence N88°41'51"W 440.00 feet to the Point of Beginning; said parcel containing 7.26 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the October 23, 2003 Planning Commission meeting.**

\*16. No. 03PD046 - Chapel Valley Subdivision

A request by Tom and Cheryl Johnson to consider an application for a **Major Amendment to a Planned Residential Development to reduce the front yard setback** on Lot 17, Block 7, Chapel Valley Subdivision, Section 8, T1N, R7E, BHM,

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Rapid City, Pennington County, South Dakota, more generally described as being located at 4913 Copperhill Court.

**Planning Commission approved the Major Amendment to a Planned Residential Development to reduce the front yard setback with the following stipulations:**

**Urban Planning Division Recommendations:**

1. The proposed expansion shall conform architecturally to the plans and elevations submitted as part of the Major Amendment to the Planned Residential Development;
2. The front yard setback shall be reduced from 25 feet to 18 feet for the proposed foyer wall expansion and the front yard setback shall be reduced from 25 feet to 10 feet for the existing porch;
3. The porch shall not be enclosed and/or expanded; and,
4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment.

***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.***

**\*17. No. 03PD051 - Auburn Hills Subdivision**

A request by Renner and Sperlich for Doeck, LLC to consider an application for a **Planned Development Designation** on a portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: S00°12'10"W, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: S89°42'30"W, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: N00°02'42"E, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of 09°57'36", an arc length of 82.40 feet, a chord bearing of N85°13'22"E, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course: S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to



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a point of curve; thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

**Planning Commission approved the Planned Development Designation in conjunction with the Rezoning from No Use District to Medium Density Residential with the following stipulation:**

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

***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.***

18. No. 03RZ037 - Auburn Hills Subdivision

A request by Renner and Sperlich for Doeck, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: S00°12'10"W, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: S89°42'30"W, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: N00°02'42"E, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of 09°57'36", an arc length of 82.40 feet, a chord bearing of N85°13'22"E, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course: S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to a point of curve;

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thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with a Planned Development Designation.**

19. No. 03SV036 - Stoneridge Subdivision

A request by Dream Design International, Inc. for Sally Broucek to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Parkview Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as wide and waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement be approved with the following stipulation:**

**Engineering Division Recommendation:**

1. **Prior to City Council approval, the plat document shall be revised to show a non-access easement along the north lot line as it abuts the well access easement.**

20. No. 03TI009 - Section 3, T1N, R8E and Section 34, T2N, R8E

A request by Dream Design International to consider an application for a **Resolution Creating Tax Increment District No. 42** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in

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Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

**Planning Commission recommended that the Resolution Creating Tax Increment District #42 be continued to the October 23, 2003 Planning Commission meeting.**

21. No. 03TI010 - Section 3, T1N, R8E and Section 34, T2N, R8E

A request by Dream Design International to consider an application for a **Tax Increment District No. 42 - Project Plan** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and

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Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

**Planning Commission recommended that the Project Plan for Tax Increment District #42 be continued to the October 23, 2003 Planning Commission meeting.**

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

8. No. 03CA024 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.92 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per two acres to General Commercial with a Planned Commercial Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 194.84 feet, a chord bearing of S09°21'48"E and a chord length of 195.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 201.58 feet; thence N06°15'29"W 950.00 feet to the Point of Beginning; said parcel containing 4.92 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

In response to a question by Prairie Chicken, Bulman clarified that staff is recommending that Items 8 thru 12 be tabled to allow the applicant to submit a corrected legal description.

**Stone moved, second by Wevik and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.92 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to General Commercial with a Planned Commercial Development be tabled to**

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**allow the applicant to submit a corrected legal description. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

22. No. 03VR010 - Sections 19, 20, 29 and 30, T1N, R7E

A request by Don Ward for Redrock Development Company LLC and Selador Ranches, Inc. to consider an application for a **Vacation of Section Line Highway** on the west 2094.7 feet of the sixty six foot wide section line highway lying between Sections 20 and 29, T1N, R7E, BHM; the north 3175.4 feet minus 68 feet of right-of-way (Muirfield Drive) of the sixty six foot wide section line highway lying between Sections 29 and 30, T1N, R7E, BHM; the south 200 feet of the sixty six foot wide section line highway lying between sections 19 and 20, T1N, R7E, BHM; and, the east 33 feet of the sixty six foot wide section line highway lying between Sections 19 and 30, T1N, R7E, BHM; Rapid City, Pennington County, South Dakota, more generally described as being located west of Red Rock Estates.

Bulman advised that a revised staff report has been placed on the dais. She pointed out that staff has added stipulation 2 to reflect a change in the legal description.

**Prairie Chicken moved, second by Stone and unanimously carried to recommend that the Vacation of Section Line Highway be approved with the following stipulation:**

**Engineering Division Recommendations:**

1. **Prior to City Council approval of the Vacation of Section Line Highway, a copy of the recorded utility easements shall be submitted to the Engineering Staff for review and approval; and,**

**Planning Department Recommendations:**

2. **Prior to City Council approval of the Vacation of Section Line Highway, the legal description shall be revised to eliminate the 68 feet of right-of-way (Muirfield Drive) of the sixty six foot wide section line highway lying between Sections 29 and 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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

23. No. 03OA002 - Ordinance Amendment

A request by the City of Rapid City for an Ordinance Amendment amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code relating to the storage and parking of trucks, trailers and commercial vehicles.

Fisher presented the request and reviewed staff's recommendation.

Wevik expressed concern with Ordinance 3934 regarding parking of vehicles. He stated that the revised ordinance is still requiring a vehicle to be screened by six-foot opaque fence or plant materials from any abutting residential lots and public



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ways or housed in an enclosed building.

Discussion followed concerning commercial sites that are legal non-conforming and enforcement issues.

In response to a question by Prairie Chicken, Fisher advised that Action Mechanical has not expressed opposition to the ordinance since the provisions restricting signage have been removed.

Stone expressed his concerns with the seven foot height restriction on commercial vehicles.

**Wevik moved and second by Brown to recommend that the Ordinance Amendment regarding the storage and parking of trucks, trailers and commercial vehicles be approved with the exception of the provisions restricting signage; and, that Section 10.40.200(B)(5) be amended as follows: Parking of Vehicles. Any vehicle which does not meet the above provisions, and is used for the storage or transport of merchandise, equipment, or business supplies shall be located on a commercial or industrial lot which contains an existing principal structure. Such a vehicle shall be screened by a six-foot opaque fence or plant materials from any abutting residential lots and ~~public ways~~ or housed in an enclosed building.**

Discussion followed concerning the criteria used to develop the proposed Ordinance Amendment.

In response to a question by Schmidt, Mike Booher, Assistant City Attorney, stated that it would be acceptable for the Planning Commission to recommend that public ways be removed from the ordinance amendment.

**The vote on the motion carried to recommend that the Ordinance Amendment regarding the storage and parking of trucks, trailers and commercial vehicles be approved with the exception of the provisions restricting signage; and, that Section 10.40.200(B)(5) be amended as follows: Parking of Vehicles. Any vehicle which does not meet the above provisions, and is used for the storage or transport of merchandise, equipment, or business supplies shall be located on a commercial or industrial lot which contains an existing principal structure. Such a vehicle shall be screened by a six-foot opaque fence or plant materials from any abutting residential lots or housed in an enclosed building. Vote: (4 to 1 with Brown, Fast Wolf, Prairie Chicken, and Wevik voting yes, Stone voting no and Schmidt abstaining)**

Fisher requested that Items 24 and 25 be considered concurrently.

24. No. 03PL094 - Pioneer Subdivision

A request by Renner and Sperlich Engineering Company for 16 Plus LLP to consider an application for a **Layout, Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

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25. No. 03SV035 - Pioneer Subdivision

A request by Renner and Sperlich Engineering Company for 16 Plus LLP 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 on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation.

Discussion followed concerning the construction plans for the north-south collector road as shown on the City's Major Street Plan.

In response to a question by Stone, Fisher advised that the applicant is not in agreement at this time with several of the stipulations regarding the section line highway and the north-south collector road.

**Wevik moved, seconded by Stone and unanimously carried to recommend that the Preliminary and Final Plat be continued to the November 6, 2003**

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

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the Planning Commission, water and sewer plans for the section line highway and the north-south collector road as shown on the City's Major Street Plan shall be submitted for review and approval. In addition, service tap(s) to the subject property shall be identified;
2. Prior to Preliminary Plat approval by the Planning Commission, a site grading and drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the Planning Commission, road construction plans for the north-south collector road as shown on the City's Major Street Plan shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the City's Major Street Plan relocating the collector road shall be approved;
4. Prior to Preliminary Plat approval by the Planning Commission, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, curb, gutter, sidewalk and street light conduit shall be constructed along U.S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the Planning Commission, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along U.S. Highway 16. In addition, a non-access easement shall be shown along the section line highway except for approved approach location(s);
7. Prior to Final Plat approval by the City Council, all affected utility companies shall submit documentation concurring with the reduction of a ten foot wide utility easement located on the interior sides of all side and rear lot lines to eight feet or the plat document shall be revised retaining the existing ten foot wide utility easement;
8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

**Fire Department Recommendation:**

9. All Uniform Fire Codes shall be continually met;

**South Dakota Department of Transportation Recommendation:**

10. Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained;

**Urban Planning Division Recommendations:**

11. 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

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that the **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the east-west section line be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 be approved with the following stipulation:**

**Engineering Division Recommendation:**

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Fisher requested that Items 26 and 27 be considered concurrently.

26. **No. 03PL095 - Gilmore Subdivision**

A request by Gary and Connie Janzen to consider an application for a **Layout Plat** on Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2517 Plateau Lane.

27. **No. 03SV037 - Gilmore Subdivision**

A request by Gary and Connie Janzen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks and street light conduit on Plateau Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2517 Plateau Lane.

Fisher reviewed the requests and reviewed the slides and staff's recommendation.

Fisher stated that the Pennington County Highway Department would support waiving the requirement to install street light conduit but would not support waiving the requirement to install curb, gutter and sidewalks on Plateau Lane.

Connie Janzen, applicant, expressed her concern that she is being required to have road construction plans prepared to show Plateau Lane with a 27 foot wide paved surface, curb, gutter and sidewalks. She stated that in her opinion it is unfair that she has the added financial burden of putting in curb, gutter and sidewalks along Plateau when there are no sidewalks six blocks to the north of her property.

Fisher explained that the applicant is not increasing density and is attempting to combine three properties into one.

In response to a question by Stone, Fisher advised that the Pennington County Highway Department does not have Plateau Lane on any improvement timetable.

In response to a question by Kooiker, Booher advised that a governing body does

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have the ability to order sidewalks to be constructed. He added that this particular property is not within the city limits. He further explained that once the property is annexed into the city limits, sidewalks could be ordered.

Discussion followed concerning assessment districts such as Autumn Hills and Springbrook Acres and the applicant signing a Waiver of Right to Protest Future Assessments.

**Stone moved and second by Fast Wolf to recommend that the Layout Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Upon submittal of the Preliminary Plat, the plat document shall be revised to provide ten additional feet of right-of-way along Plateau Lane;
2. Upon submittal of the Preliminary Plat, road construction plans for Plateau Lane shall be provided. In particular, the road construction plans shall show Plateau Lane with a 27 foot wide paved surface, curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of the Preliminary Plat, the plat document shall identify all easements. In particular, the 30 foot wide sanitary and sewer easement and the five foot wide Hawthorn Irrigation Ditch easement located along the south lot line shall be identified. In addition all utility and drainage easement(s) shall be identified;
4. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

**Register of Deed's Office Recommendation:**

5. Upon submittal of the Preliminary Plat, a plat document showing a title and road name(s) shall be submitted for review and approval;

**Pennington County Planning Department Recommendation:**

6. Upon submittal of the Preliminary Plat, a structural site plan shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the minimum required 25 foot front yard setback if required as determined by the structural site plan;

**Urban Planning Division Recommendations:**

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; and,

that the Variance to the Subdivision Regulations to waive the requirement to install street light, curb, gutter and sidewalks on Plateau Lane be approved with the following stipulation:

**Engineering Division Recommendation:**

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and



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**Wevik voting yes and none voting no)**

Fisher requested that Items 28 and 29 be considered concurrently.

28. No. 03PL096 - Lazy P-6 Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Layout Plat** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 660 feet to the east of the Parkview Drive terminus.

29. No. 03SV038 - Lazy P-6 Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC 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 along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 660 feet to the east of the Parkview Drive terminus.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation.

A brief discussion followed concerning Elm Street construction.

Harold Bies, adjacent property owner, expressed concerns with a fence that was torn down on his property adjacent to the applicant's property. He added that he plans to file criminal charges concerning the destruction of private property. He expressed additional concerns that the developer of this property has not cooperated with the city concerning the construction of Elm Street and requested that the Planning Commission deny the applicant's request to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Street.

**Stone moved, second by Brown and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed;**
4. **Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and**

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approval. If an interim Lift Station, shown to be located directly south of the subject property, is to serve the property than a utility easement shall be secured for the Lift Station and subsequent sewer line(s). In addition, the Lift Station shall be designed for future gravity flow into the Elm Street Sanitary Sewer and the Lift Station shall be eliminated at the time of construction of the Sanitary Sewer within the Elm Street right-of-way;

5. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of the Palo Verde Water Zone to serve the subject property;
6. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways
7. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the right-of-way for Fifth Street located on an adjacent property or the west half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Fifth Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
8. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the east half of the right-of-way for Elm Street located on an adjacent property or the east half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Elm Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
9. Upon submittal of the Preliminary Plat, road construction plans for the proposed rearage road as a commercial/industrial street shall be submitted for review and approval;
10. Upon submittal of the Preliminary Plat, road construction plans showing the proposed road to be located along the south lot line of the subject property as a local street shall be submitted for review and approval;
11. Upon submittal of the Preliminary Plat, road construction plans for the proposed north-south street as a local street for that portion located in the Medium Density Residential District and as a commercial/industrial street for that portion located in the Office Commercial District shall be submitted for review and approval;
12. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;

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13. Prior to Final Plat approval by the City Council, the plat document shall be revised to provide an additional five feet of right-of-way for the section line highway located along the north lot line or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of the north half of the right-of-way for the section line highway located on an adjacent property or the north half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for the section line highway shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
14. Prior to Final Plat approval by the City Council, a non-access easement shall be shown along the perimeter of the subject property except for approved approach locations. In particular, access shall be taken from the lesser order street or a Special Exception to the Street Design Criteria Manual shall be obtained;
15. Upon submittal of the Preliminary Plat, a phasing schedule for the balance of the Master Plan shall be submitted for review and approval. In addition, the Master Plan shall identify that two access streets serve the subject property if more than 40 dwelling units are proposed on the subject property or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained;
16. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

**Fire Department Recommendations:**

17. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

**Emergency Services Communication Center Recommendation:**

18. Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval;

**South Dakota Department of Transportation Recommendation:**

19. Prior to Final Plat approval by the City Council, an approach permit for the Fifth Street approach onto Catron Boulevard shall be obtained;

**Urban Planning Division Recommendations:**

20. 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,

that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk street light conduit, water, sewer and pavement along Elm Street be denied. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

30. No. 03SR033 - Section 12, T1N, R7E

A request by Faulk and Foster for Western 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

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described as being located at 636 Cathedral Drive.

Bulman presented the request and reviewed the slides of the subject property and staff's recommendation. She further explained that staff sent a Notice of Hearing letter to all of the residents of 636 Cathedral Drive and also to those who own property within 250 feet of the subject property as Planning Commission requested at the September 25, 2003 Planning Commission meeting. She added that she received one phone call inquiring about why they received a Notice of Hearing letter. She added that she did not receive any complaints from the residents of 636 Cathedral Drive.

In response to a question by Wevik, Bulman advised that the applicant had indicated that they would be able to meet the requirement that the antennas be no more than eight feet in length and one foot in width.

Ralph Wyngarden, Faulk and Foster for Western Wireless, reviewed the challenges that Western Wireless has experienced in providing service to this particular area. He thanked staff for their diligent and hard work.

In response to a question by Schmidt, Wyngarden stated that the these four antennas will cover the "bowl" area south of Fairmont Boulevard and between South Highway 16 and South Highway 79.

**Wevik moved, second by Prairie Chicken and unanimously carried to recommend that the 11-6-19 SDCL Review of a public utility structure be approved with the following stipulations:**

**Fire Department Recommendations:**

1. The equipment room shall have a 2ABC rated fire extinguisher provided;
2. The equipment room shall be clearly identified;
3. A key for the equipment room shall be kept in the knox box for Fire Department access at all times;

**Urban Planning Division Recommendations:**

4. The color of the antenna panels shall match the existing color of the building at all times so as to be inconspicuous as possible;
5. No more than four antennas shall be placed on the subject property;
6. The antennas shall be no more than eight feet in length and one foot in width; and,
7. All codes and requirements of the Rapid City Municipal Code shall be met at all times. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

31. Discussion Items  
None

32. Staff Items  
A. New Planner

Fisher introduced and welcomed Todd Tucker, Planner I, who filled Jeff

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Marino's position. She reviewed the status of the other vacancies within the Planning Department.

33. Planning Commission Items  
None

34. Committee Reports  
A. City Council Report (October 6, 2003)

Prairie Chicken advised that he attended the October 6, 2003 City Council meeting. He advised that the City Council concurred with the recommendations of the Planning Commission with the exception of No. 03RZ032 - A request by Walgar Development for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of Alta Vista Drive and Anamaria Drive. He noted that the Planning Commission had denied the request on September 25, 2003 and the City Council approved the request on October 6, 2003.

**There being no further business Prairie Chicken moved, seconded by Brown and unanimously carried to adjourn the meeting at 8:20. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**