

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 23, 2003

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Jason Green and Nadine Bauer

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

Hoffmann 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.

Schmidt requested that Item 5 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 7 in accordance with the staff recommendations with the exception of Item 5. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the October 9, 2003 Planning Commission Meeting Minutes.
2. No. 03PL045 - Marshall Heights Tract
A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz to consider an application for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 North Maple Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 20, 2003 Planning Commission meeting.
3. No. 03PL091 - Auburn Hills Subdivision
A request by Renner and Sperlich for Doeck, LLC to consider an application for a **Layout, Preliminary and Final Plat** on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the November 20, 2003 Planning Commission meeting to allow the applicant to submit additional information.

4. No. 03PL097 - Auburn Hills Subdivision

A request by Renner & Sperlich Engineering Company for Doeck, LLC to consider an application for a **Layout, Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north and south of Amber Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, an evaluation of the increase drainage flows from this phase of the development shall be submitted for review and approval. In addition, necessary mitigation measures shall be identified;**
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that all flows from the area within the development and from the basins above the development are being routed within their natural drainage basins, or the applicant shall demonstrate the right to divert drainage into another drainage basin;**
3. **Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall demonstrate that utility services, especially sanitary sewer services, can be provided to the adjacent upstream area.**
4. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that all agreements necessary to assure wastewater connection fees for upgrades, improvements or replacement to the sanitary sewer lift station serving this area, are in effect and that the appropriate fees shall be paid;**
5. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing curb, gutter and sidewalk along Haines Avenue or a Variance to the Subdivision Regulations shall be obtained;**
6. **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;**
7. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate form shall be submitted for review and approval;**
8. **Prior to Final Plat approval by the City Council, the plat document shall be revised to provide non-access easements in compliance with the**

Street Design Criteria Manual;

Emergency Services Communication Center Recommendation:

9. Prior to Final Plat approval by the City Council, alternate road names for “Amber Drive” and “Gemstone Place” shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names;

Pennington County Highway Department Recommendation:

10. Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the connection of Amber Drive to Haines Avenue; and,

Urban Planning Division Recommendations:

11. Prior to City Council approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

6. No. 03PL101 - Northstar Subdivision

A request by Centerline, Inc. for Heartland Development Group LLC to consider an application for a **Final Plat** on Lots 2, 3, 4 and 5 in Block 1, Northstar Subdivision, located in the NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot D of the NE1/4 of Section 29 located in the NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Seger Drive and Dyess Avenue.

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

Engineering Division Recommendations:

1. Prior to City Council approval, documentation from the design engineer identifying concurrence with the proposed drainage improvement phasing plan shall be submitted for review and approval;
2. Prior to City Council approval, evidence shall be provided identifying a sewer service line easement across Lot 6 for the service line to Lot 5;
3. Prior to City Council approval, the plat document shall be revised to show a 20 foot X 20 foot shared approach between Lots 2 and 3 and a 20 foot X 20 foot shared approach between Lots 3 and 4;
4. Prior to City Council approval, a subdivision cost estimate form shall be submitted for review and approval; and,

Urban Planning Division Recommendations:

5. Prior to City Council approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

7. 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 January 22, 2004 Planning Commission meeting to allow the applicant to submit additional information at the applicant's request.

END OF NON-HEARING CONSENT CALENDAR

5. No. 03PL100 - Hart Ranch Development

A request by Wyss Associates, Inc. for Hart Ranch Development Co. to consider an application for a **Layout Plat** on a portion of Hart Ranch Golf Course Parcel less Village on the Green Subdivision and less Village on the Green #2 Subdivision (also in Section 12 and 13), Hart Ranch Development, Section 11, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located in the Hart Ranch Development between Mulligan Mile and Arena Drive.

In response to a question by Schmidt, Elkins explained that this application is a for a Layout Plat. She further explained that the applicant would need to submit a Variance to the Subdivision Regulations to waive the requirement to install sidewalks.

Discussion followed concerning the letters received from Jim and Karen Cunningham and Rod and Terri Stamper. Elkins explained that a public hearing will be held at the time the applicant submits a Variance to the Subdivision Regulations. She added that those letters and comments regarding the sidewalks would be heard and reviewed at that time.

Schmidt moved and seconded by Prairie Chicken to approve the Layout Plat with the following stipulations:

Engineering Division Recommendations:

1. **Upon submittal of a Preliminary Plat, a complete grading plan shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;**
3. **Upon submittal of the Preliminary Plat, a stormwater management plan shall be submitted for review and approval;**
4. **Upon submittal of the Preliminary Plat, the plat document shall be revised to clearly delineate the floodplain as related to any studies performed adjoining the property;**
5. **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**

- approval. In addition, information shall be submitted demonstrating that the existing lagoon can accommodate increased loading. A copy of the most recent Operation and Management inspection by the South Dakota Department of Environment and Natural Resources for the facility shall be submitted to determine the condition of the facility. In addition, utility easements shall also be provided as needed;
6. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, utility easements shall be provided as needed;
 7. 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. In addition, soil testing and design calculations for pavement design shall be submitted for review and approval;
 8. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the connection of Mulligan Mile to Arena Drive. In addition, construction plans for Mulligan Mile as a sub-collector street with a minimum right-of-way width of 49 feet and a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the proposed private drives as public rights-of-way or a Special Exception to the Street Design Criteria Manual shall be obtained to allow a private easement to serve more than four residential units. In addition, construction plans for proposed private drives as a lane place street with a minimum 49 foot right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The construction plans shall also show a turnaround at the end of all of the proposed lane place streets;
 10. Upon submittal of the Preliminary Plat, the plat document shall be revised to provide on-street visitor parking or off-street visitor parking at a ratio of one space per residential unit located within 300 feet of the residence shall be provided;
 11. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;

Fire Department Recommendation:

12. 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;
13. All Uniform Fire Codes shall be continually met;

Pennington County Highway Department Recommendation:

14. Prior to Preliminary Plat approval by the City Council, an approach permit to allow the connection of Mulligan Mile to Arena Drive shall be

obtained;

Emergency Service Communication Center Recommendation:

15. Prior to Final Plat approval by the City Council, road names for the lane place streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names;

Urban Planning Division Recommendations:

16. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
17. 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.

Erik Heikes, Wyss Associates, advised that there are several adjacent property owners in the audience that would like to address the Planning Commission regarding sidewalks and cul-de-sacs. He added that the applicant has also expressed some concerns with stipulation #10 regarding visitor parking spaces.

Jim Minzel, 23709 Mulligan Mile, stated that there are 18 homes along Mulligan Mile and stated that the residents along Mulligan Mile do not want sidewalks installed as it would require that a number of underground sprinkler systems would have to be dug up and encroach into their yards. He added that the residents are in support of cul-de-sacs as the road is narrow and would limit traffic in the area.

Frank Brost, President of the Homeowner's Association, stated that he concurred with Minzel's comments regarding sidewalks and cul-de-sacs and asked the Planning Commission to take into consideration the area resident's concerns and desires.

Gene Adink, Hart Ranch Development, stated that the applicant is attempting to create a rural development adjacent to the golf course. He explained that the one of the reasons that the applicant has requested cul-de-sacs is that it would cap off the golf course development as an entity in itself and not combine it with the development further to the east that has heavier densities. He further added that cul-de-sacs would help to keep the neighborhood quiet along the golf course and limit traffic. He stated that the applicant is aware of the Variances to the Subdivision Regulations that need to be submitted at a later date but wanted the Planning Commission to be aware of the area residents' desires and to understand that the sidewalk and cul-de-sac issues are not developer driven but rather homeowner driven.

Elkins clarified that the applicant has submitted a Layout Plat. She further explained that the existing development area that the area residents are referring to is not part of this application. She stated that the area the neighbors are referring to has already been platted and a Variance to the Subdivision Regulations was obtained to allow sidewalk on one side of the street. She added that surety has been posted for those improvements. She explained that if the developer would like to go back and revisit the sidewalk issue which has been previously approved by the Planning Commission a new Variance to the Subdivision Regulations would have to be submit. She added that it is inappropriate to include discussions regarding the sidewalk in this application for a Layout Plat. She explained that this property is adjacent to the property under consideration as part of this Layout Plat.

Discussion followed concerning the 40-unit rule, street design standards, granting Special Exceptions, density of the proposed development, adequate access, public safety, floodway issues, pedestrian facilities, traffic calming devices and an emergency connector.

Brown made a substitute motion to recommend that the Layout Plat be continued to the November 6, 2003 Planning Commission meeting. The motion was seconded by Brannan.

In response to a question by Prairie Chicken, Adink advised that the applicant would be in support of a continuance and asked the Planning Commission to take time to visit the site before the November 6, 2003 Planning Commission meeting.

Elkins encouraged the Planning Commission members to visit the site but cautioned the Planning Commission against ex parte communications. She added that the applicant and engineer have been very forthright with staff regarding issues and the homeowner's concerns.

The vote on the motion unanimously carried to recommend that the Layout Plat be continued to the November 6, 2003 Planning Commission. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann 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 12, 14, 15 and 24 thru 30 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 44 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 46 be removed from the Hearing Consent Agenda for separate consideration. Brannan requested that Item 35 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, seconded by Brown and unanimously carried to recommend approval of the Hearing Consent Agenda Items 8 through 49 in accordance with the staff recommendations with the exception of Items 12, 14, 15, 24 thru 30, 35, 44 and 46. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

8. No. 03CA018 - Section 5, T1N, R8E
Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, seconded course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, more generally described as being located at 1600 Creek Drive.

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

9. No. 03CA019 - Robbinsdale No. 8 and Robbinsdale No. 9
Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 0.823 acre parcel of land from Low Density Residential to Low Density Residential II on Lot 19, Block 2, Robbinsdale No. 9; Lot 26, Block 13, Robbinsdale No. 8; Lot 42, Block 11, Robbinsdale No. 8; all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sitka Street.

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

10. No. 03CA021 - Moon Ridge Subdivision
Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 12.3 acre parcel of land from General Commercial to Public on the east 400 feet of Lot 3, Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located at the intersection of U.S.Highway 16 and Moon Meadows Road.

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

11. No. 03CA022 - Moon Ridge Subdivision
Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 19.33 acre parcel of land from Limited Agriculture, Agriculture and Forest to Public on Lot 3 less the east 400 feet, Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Moon Meadows Road.

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

13. No. 03PL099 - Tyler Knue Subdivision
A request by FMG, Inc. for Bill Freytag to consider an application for a **Layout, Preliminary and Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Nicole Street.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the November 20, 2003 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 03SV040 - Tyler Knue Subdivision
A request by FMG, Inc. for Bill Freytag to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more

or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, more generally described as being located along Nicole Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the November 20, 2003 Planning Commission meeting to be heard in conjunction with an associated Layout, Preliminary and Final Plat.

17. 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 with a Planned Residential Development be approved.

18. No. 03CA032 - 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 acre 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"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 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 $01^{\circ}56'23''$ with an arc length of 170.60 feet a chord length of 170.34 feet; thence $S00^{\circ}41'31''E$ 356.77 feet; thence $S89^{\circ}18'29''E$ 151.22 feet; thence $S00^{\circ}41'31''W$ 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 acre to Medium Density Residential with a Planned Residential Development be approved.

*19. 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 $N89^{\circ}18'29''W$ 697.03 feet; thence $N01^{\circ}18'09''E$ 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of $21^{\circ}19'55''$ with an arc length of 195.84 feet, a chord bearing of $N09^{\circ}21'48''W$ and a chord length of 194.71 feet along said curve; thence $N20^{\circ}01'46''W$ 210.75 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of $10^{\circ}56'23''$ with an arc length of 170.60 feet, a chord bearing of $N64^{\circ}30'03''E$ and a chord length of 170.34 feet along said curve; thence $S46^{\circ}19'54''E$ 890.09 feet to 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 approved the Planned Development Designation in conjunction with the Rezoning from No Use District to Medium Density Residential District 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.

20. 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, this being the POINT OF BEGINNING; thence $N89^{\circ}18'29''W$ 697.03 feet; thence $N01^{\circ}18'09''E$ 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of $21^{\circ}19'55''$ 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 left 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 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 recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

21. No. 03CA031 - 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 acre 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 N63°46'28"W along a non-visual line, 1115.91 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 862.02 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.92 acres more 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 4.92 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 approved.

*22. No. 03PD047 - 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 N1/4 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 209.54 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 195.84 feet, a chord bearing of S09°21'48"E and a chord length of 194.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 440.00 feet to the TRUE 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 approved the Planned Development Designation 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.

23. No. 03RZ039 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on a previously unplatted parcel of land in the SW1/4 of the N1/4 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 209.54 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 195.84 feet, a chord bearing of S09°21'48"E and a chord length of 194.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 440.00 feet to the TRUE 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 General Commercial District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

31. No. 03CA030 - Robbinsdale No. 10

A request by Walgar Development to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.21 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Alta Vista Drive and Anamaria Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.21 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation be approved.

*32. No. 03PD052 - Robbinsdale No. 10

A request by Walgar Development to consider an application for a **Planned Development Designation** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Alta Vista Drive and Anamaria Drive.

Planning Commission approved the Planned Development Designation contingent upon the approval of the associated Rezoning from Low Density Residential II District to Medium Density Residential District and the related Comprehensive Plan Amendment to change the land use from Low Density Residential to Medium Density Residential with a Planned Development Designation 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.

33. No. 03RZ032 - Robbinsdale No. 10

A request by Walgar Development to consider an application 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, more generally described as being located in the northeast corner of Alta Vista Drive and Anamaria Drive.

Planning Commission recommended that the Rezoning from Low Density Residential II District to Medium Density Residential District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

34. No. 03PL089 - Craig Estates

A request by Dream Design International, Inc. for Hank Craig to consider an application for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, 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 along the 4200 block of Parkview Drive.

Planning Commission recommended 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, all 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;
2. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for the well access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, construction plans for Parkview Drive showing the construction of a four foot wide property line sidewalk and street light conduit shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
6. Prior to Preliminary Plat approval by the City Council, a Utility Master Plan shall be submitted for review and approval. In particular, the Utility Master Plan shall show a connection of the high pressure water zone from Elm Street to Parkview Drive;
7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show non-access easement(s) as per the Street Design Criteria Manual. In particular, the plat document shall be revised to show a non-access easement along Parkview Drive except for approved approach locations; and,

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.

*36. No. 03PD045 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow a mobile home park** on Tract A and Tract B of Hendrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission continued the Planned Residential Development -

Initial and Final Plan to allow a mobile home park to the November 20, 2003 Planning Commission meeting to allow the applicant to submit additional information.

37. No. 03PL090 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Layout, Preliminary and Final Plat** on Tract A and Tract B of Hendrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the November 20, 2003 Planning Commission to allow the applicant to submit additional information.

38. No. 03SV034 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A and Tract B of Hendrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be continued to the November 20, 2003 Planning Commission meeting to be heard in conjunction with an associated Layout, Preliminary and Final Plat.

39. No. 03PL098 - Steen Subdivision

A request by Gordon Howie for Galen Steen to consider an application for a **Layout Plat** on Lots 1 and 2, Steen Subdivision, located in E1/2, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 NE1/4; the west 66 feet of NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a portion of SE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Anderson Road and South Side Drive.

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

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, a complete grading plan shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. Upon submittal of a Preliminary Plat, the plat document showing a ditch easement for the South Side Ditch shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
5. 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 approval. If an on-site waste-water system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, utility easements shall be provided as needed;
7. 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. In addition, soil testing and design calculations for pavement design shall be submitted for review and approval;
8. Upon submittal of the Preliminary Plat, construction plans for the north-south street shall be submitted for review and approval. In particular, the north-south street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of the Preliminary Plat, construction plans for the east-west street shall be submitted for review and approval. In particular, the east-west street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
10. Upon submittal of the Preliminary Plat, a structural site plan shall be

submitted for review and approval;

11. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;

Fire Department Recommendation:

12. 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;

13. All Uniform Fire Code shall be continually met;

South Dakota Department of Transportation Recommendation:

14. Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the north-south street connection to S.D. Highway 44;

Emergency Service Communication Center Recommendation:

15. Prior to Final Plat approval by the City Council, road names for the two streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names;

Pennington county Planning Department Recommendation:

16. Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to allow the proposed 33.4 acre and the 14.3 acre lot;

Urban Planning Division Recommendations:

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

40. No. 03SV039 - Steen Subdivision

A request by Gordon Howie for Galen Steen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, more generally described as being located southeast of the intersection of Anderson Road and South Side Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south street and

east-west be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, road construction plans shall be submitted for review and approval identifying that the two streets will be constructed with a minimum 24 foot wide graveled surface; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

41. 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 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 No. 42 be continued to the November 6, 2003 Planning Commission meeting.

42. 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 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 Project Plan for Tax Increment District No. 42 be continued to the November 6, 2003 Planning Commission meeting.

*43. No. 99UR016 - Section 14, T1N, R7E

A request by TSP for Zion Lutheran Church to consider an application for a **Renewal of a Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District** on Lot D, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on east side U.S. Highway 16 northeast of the water tower.

Planning Commission approved the Renewal of a Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District with the

following stipulations:

Urban Planning Division Recommendations:

1. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;
2. That the Conditional Use Permit approval shall expire if the use has ceased for a period of two years; and,
3. That the Conditional Use Permit is approved on an ongoing basis with review to occur on a complaint basis only.

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.

*45. No. 03UR013 - Century 21 Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow billboards** on Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400, 1450 and 1600 East North Street.

Planning Commission continued the Conditional Use Permit to allow billboards to the November 6, 2003 Planning Commission meeting to allow the applicant to provide further information and a revised site plan.

*47. No. 03UR015 - Signal Heights Subdivision

A request by Chino Caekaert to consider an application for a **Conditional Use Permit to allow mini self-storage units** on Lot 11 and Tract A-1, Block 8 of Signal Heights Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 123 Signal Drive.

Planning Commission continued the Conditional Use Permit to allow mini self-storage units to the November 6, 2003 Planning Commission meeting to allow the applicant to submit further information and a revised site plan.

48. 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 8.22 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, seconded 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 a 8.22 acre parcel of land from General Agriculture to General Commercial be denied without prejudice to allow the Amendment to the Comprehensive Plan to be re-advertised to change the land use designation from General Agriculture to General Commercial with a Planned Development Designation.

49. No. 03RZ038 - Pioneer Subdivision

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, seconded 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 November 20, 2003 Planning Commission meeting to allow the rezoning to be considered in conjunction with an Amendment to the Comprehensive Plan and a Planned Development Designation.

---END OF HEARING CONSENT CALENDAR---

Elkins requested that Items 12, 14, and 15 be considered concurrently.

12. No. 03AN011 - Tyler Knue Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Petition for Annexation** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, more generally described as being located along Nicole Street.

14. No. 03RZ043 - Tyler Knue Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, more generally described as being located along Nicole Street.

15. No. 03RZ044 - Tyler Knue Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for a **Rezoning from Mobile Home District to Low Density Residential II District** the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Nicole Street.

Elkins explained that the applicant has requested that Items 12, 14 and 15 be continued to the November 20, 2003 Planning Commission to be heard in conjunction with the Layout, Preliminary and Final Plat request.

Schmidt moved, seconded by Brannan and unanimously carried to recommend that the Petition for Annexation, the Rezoning from No Use District to Low Density Residential II District and the Rezoning from Mobile Home District to Low Density Residential II District be continued to the November 20, 2003 Planning Commission meeting to be heard in conjunction with the Layout, Preliminary and Final Plat request. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

Elkins requested that Items 24 thru 30 be considered concurrently.

Elkins explained that Items 24 thru 30 were removed from the Hearing Consent Agenda so

that the Planning Commission could review a letter received by Gunderson, Palmer, Goodsell & Nelson, attorneys for Orthopedic Building Partnership, LLP, that was placed on the dais this morning. She summarized the letter noting that Orthopedic Building Partnership, LLP does not have any objections to Items 24 thru 30 but indicated that they would like to be kept apprised of the status or relocation of Physician Drive.

Brannan moved, seconded by Brown and unanimously carried to recommend that Items 24 thru 30 be approved per staff's recommendations. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

24. No. 03CA033 - 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 acre to Planned Residential Development with a maximum density of 2.5 dwelling units per acre** 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 N01°18'09"E 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.

Brannan moved, seconded by Brown and unanimously carried to recommend 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 acre to Planned Residential Development with a maximum density of 2.5 dwelling units per acre be approved. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

*25. No. 03PD049 - 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: 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 N01°18'09"E 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.

Brannan moved, seconded by Brown and unanimously carried to approve the Planned Development Designation 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. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

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.

26. No. 03RZ041 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low 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: 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 N01°18'09"E 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.

Brannan moved, seconded by Brown and unanimously carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

27. No. 03CA034 - 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 from Planned Residential Development with a maximum density of one dwelling unit per acre 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°17'28"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 N06°15'29"W 87.98 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 TRUE POINT OF BEGINNING; said parcel containing 5.33 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

Brannan moved, seconded by Brown and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 5.33 acre parcel of land from from Planned Residential Development with a maximum density of one dwelling unit per acre to Office

Commercial with a Planned Commercial Development be approved. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

28. No. 03CA035 - 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 1/4 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 S06°15'29"W 87.98 feet; thence S01°18'09"W 400.00 feet; thence S31°04'35"W 503.44 feet to the TRUE 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.

Brannan moved, seconded by Brown and unanimously carried to recommend 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 approved. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

*29. No. 03PD050 - 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: Beginning 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 S88°41'51"E 440.00 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet; thence N01°18'09"E 924.20 feet to the TRUE POINT OF BEGINNING; said parcel containing 9.37 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

Brannan moved, seconded by Brown and unanimously carried to approve the Planned Development Designation in conjunction with the Rezoning from No Use District to Office Commercial District 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. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)**

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.

30. No. 03RZ042 - Waterslide Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Office Commercial District** 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; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence S88°41'51"E 440.00 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet; thence N01°18'09"E 924.20 feet to the TRUE POINT OF BEGINNING; said parcel containing 9.37 acres more or less, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

Brannan moved, seconded by Brown and unanimously carried to recommend that the Rezoning from No Use District to Office Commercial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

35. No. 03SV033 - Craig Estates

A request by Dream Design International, Inc. for Hank Craig to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, paving, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, 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 along the 4200 block of Parkview Drive.

In response to a question by Brannan, Elkins explained that this Variance to the Subdivision Regulations is for a well access easement located along the south lot line of the subject property. She further explained that the access easement can only be used to access the well lot and as such staff is recommending approval of waiving the requirement to install curb, gutter, paving, sidewalk, street conduit, sewer and water.

Discussion followed concerning, access, Elm Street and future road connections to the south for the proposed future subdivision.

Brannan moved, seconded by Schmidt and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, paving, sidewalk, street light conduit, sewer and water be approved. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

*44. No. 01UR042 - Section 23, T1N, R7E

A request by the City of Rapid City to consider an application for a **Revocation of a Use on Review to allow a Communication Tower in Public District** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

In response to question by Prairie Chicken, Fisher explained that the applicant has complied with painting the towers and replacing the strobe lights. She explained that the paint has been removed from the vehicles but there are still some paint speckles on the wall of Fire Station #6. She indicated that the applicant is working with the original contractor to determine the best way to remove the paint from the textured walls. She advised that the applicant is requesting that this item be continued to the November 20, 2003 Planning Commission meeting to allow time to make arrangements with the original contractor for removal of the remaining paint specks from the wall.

In response to a question by Kooiker, Elkins advised that staff will check with the applicant regarding ice build up on the tower.

Prairie Chicken moved, seconded by Brannan and unanimously carried to continue the Revocation of a Use on Review to allow a Communication Tower in Public District to the November 20, 2003 Planning Commission meeting at the applicant's request. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

*46. No. 03UR014 - Original Town of Rapid City

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow a billboard** on Tract NW 66 less Lot H1; balance of Lots 12 through 16 less Lot H1 and the north 10 feet of vacated alley adjacent to Lots 12 through 16 less Lot H1, Block 66, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 308 5th Street.

In response to a question by Schmidt, Bulman explained that the applicant is proposing to remove two existing off-premise billboards and replace them with one back to back off-premise billboard. She added that the new billboard will located on the same site as the second existing billboard, on Omaha Street, east of the intersection of 5th Street and Omaha Street.

Schmidt moved, seconded by Brown and unanimously carried approve a Conditional Use Permit to allow a billboard with the following stipulations:

Building Inspection Division Recommendations:

- 1. The applicant shall apply for sign credits prior to removal of the existing signs;**
- 2. A sign license shall be obtained prior to construction;**

Transportation Planning Division Recommendations:

- 3. The sign may not obstruct sight triangles or encroach into the road right-of-way;**

Urban Planning Division Recommendations:

4. **The provisions of Chapter 15.28 of the Rapid City Municipal Code must be continually met; and,**
5. **A sign license must be obtained yearly. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)**

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.

---BEGINNING OF REGULAR AGENDA ITEMS---

50. No. 03SR043 - Section 2, T1N, R7E

A request by Realcom Associates for Western Wireless Corporation to consider an application for an **11-6-19 SDCL Review to allow additional antennas on an existing communication tower** on one acre in S1/2 SW1/4, Section 2, T1N, R7E, unplatted, Section 2, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 1625 Skyline Drive.

Bulman presented the request and reviewed the slides of the subject property and staff's recommendation in the revised Staff Report that was placed on the dais.

Discussion followed concerning the applicant's request to waive the requirement to install two paved parking stalls including one handicapped accessible stall at the existing unmanned telecommunication facility.

Hoffmann stated that in his opinion the Planning Commission should support co-location of antennas.

In response to a question by Prairie Chicken, Elkins stated that the Variance Board has not been consistent regarding paved parking stalls. Discussion followed concerning legal non-conforming uses and the mixture of paved and unpaved parking stalls on sites along Skyline Drive with towers.

In response to a question by Schmidt, Paul Wozniak, representing Western Wireless, stated that the applicant does not own the site and rents tower space. He added that the applicant is not proposing to expand the use on the unmanned site. He explained that the applicant recently removed several antennas from the site and plan to replace these with one microwave dish. He added that the microwave dish is monitored off-site and typically the applicant does not have any need to send a technician to the site unless there is a problem with the equipment. He further added that the applicant does not feel that paving is necessary due to the number of times a technician would have to respond to the site to repair equipment.

In response to a question by Schmidt, Wozniak stated that the microwave dish is an upgrade of the whole telecommunications system and in his opinion would satisfy the applicant's needs quite awhile.

Brannan stated that she supports co-location.

In response to a question by Schmidt, Wozniak stated that the applicant usually accesses the site once a year to check on the microwave dish.

Brannon moved, seconded by Brown and unanimously carried to recommend that the 11-6-19 SDCL Review to allow additional antennas on an existing communication tower be approved with the following stipulations:

Fire Department Recommendations:

1. **The Fire Department shall be notified when installation of the additional antenna is to be installed; and,**
2. **A fire watch shall be posted at the base of the work area if any hot work is to occur on site. (6 to 0 with Brannan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)**

51. Discussion Items

None

52. Staff Items

- A. Planning Commission Assignments for the 2003/2004 City Council Meetings

Elkins stated that the 2003/2004 Planning Commission assignments for the 2003/2004 City Council meetings has been placed on the dais.

Kooker commented that Mayor Shaw is working on making an appointment to the Planning Commission soon.

53. Planning Commission Items

- A. Ex Parte Communications

A brief discussion followed concerning ex parte communications.

54. Committee Reports

None

There being no further business Prairie Chicken moved, seconded by Schmidt and unanimously carried to adjourn the meeting at 8:15. (6 to 0 with Brown, Fast Wolf, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)