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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 4, 2003

MEMBERS PRESENT: Sam Brannan, Gary Brown, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken, Ethan Schmidt and Stuart Wevik. Also present was Council Representative, Sam Kooiker

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Dave LaFrance 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.

Nash requested that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 8 be removed from the Non-Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Schmidt and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 11 in accordance with the staff recommendations with the exception of Items 7 and 8. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the November 20, 2003 Planning Commission Meeting Minutes.
2. No. 02PL029 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the January 8, 2004 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to submit additional drainage information.
3. No. 02PL093 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM,

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Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Longview Drive to the east of East 53rd Street and Reservoir Road.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the January 8, 2004 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to submit additional drainage information.

4. No. 03PL107 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Final Plat** on Lots 8, 9, 10A, 10B, 11A, 11B, 12A, and 1B of Block 1, Lots 11A, 11B, 12A, 12B, 13A, and 13B of Block 5 located in the SE1/4 NE1/4 and NE1/4 SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 thru 18 of Block 2; Lots 2 thru 20 of Block 1; and Lots 1 thru 13 of Block 5, Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Park Meadows Subdivision.

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

Engineering Division Recommendations:

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

Urban Planning Division Recommendations:

2. **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.**

5. No. 03PL110 - CHMH Subdivision

A request by FMG, Inc. for Cedarhill Corporation to consider an application for a **Final Plat** on Lots 5 through 7 of Block 7 and Lots 2 through 5 of Block 8 all of CHMH Subdivision, and dedicated public right-of-way shown as Sagewood Street all located in SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Mall Drive.

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

Engineering Division Recommendations:

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

Urban Planning Division Recommendations:

2. **Prior to Final Plat approval by the City Council, surety for any required**

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subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

6. No. 03SR044 - 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 construction of an additional golf cart barn and parking** on Tract 4 and the north 27 feet of vacated Flormann Street (also in Section 10, T1N, R7E) Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Meadowbrook Golf Course, 3625 Jackson Boulevard.

Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of an additional golf cart barn and parking be continued to the December 18, 2003 Planning Commission meeting to allow the applicant to submit further information and a revised site plan.

9. No. 03VE019 - Feigels Addition

A request by Tom Anderson for Black Hills Federal Credit Union to consider an application for a **Vacation of Note on Plat** on Lot 1 of Block 8, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 East North Street.

Planning Commission recommended that the Vacation of a Note on Plat be approved.

10. No. 990 - Section 27, T2N, R7E

A request by the City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District #26** on the NE1/4 SW1/4 SE1/4, SW1/4 SW1/4 SE1/4, N1/2 SE1/4 SW1/4 SE1/4, of Section 27, T2N, R7E, BHM, and all adjacent public rights-of-way for Commerce Road and Rand Road including that portion of Fountain Plaza Drive adjacent to Lot 5 of Tract 1 and Tract B of SG Interstate Plaza all located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Commerce Road, east of Rand Road and south of South Plaza Drive.

Planning Commission recommended that the Resolution Dissolving Tax Increment District #26 be approved.

11. No. 03TP016

Intelligent Transportation System Master Plan for Integration Systems - Final Draft Report

Planning Commission recommended that the Final Draft Report for the Intelligent Transportation System Master Plan for Integration Systems be approved.

END OF NON-HEARING CONSENT CALENDAR

7. No. 03SR047 - Wasteland Subdivision

A request by the City of Rapid City Landfill - Solid Waste Operations to consider an application for an **11-6-19 SDCL Review to allow construction of a structure in a**

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public place on Tract A of Wasteland Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5555 South Highway 79.

Nash expressed his concerns with the proposed height of the fence and added that in his opinion he believes that there are other alternatives to constructing a 20-foot high fence. He also stated that in his opinion more of an effort should be made to eliminate the use of plastic bags and switch to paper or cloth.

Further discussion followed concerning the applicant's request for a fence height exception, aesthetics, screening, buffers and coniferous trees.

Jerry Wright, Superintendent for Solid Waste Operations, reviewed the request and the slides of the subject property.

Additional discussion followed concerning the proposed fence color, height, fence location, use of trees for screening and the process used at the Material Recovery Facility.

Brannan stated that she supports the applicant's litter control efforts but added that in her opinion a landscaping plan is essential.

Schmidt concurred.

Brannan moved and seconded by Brown to recommend that the 11-6-19 SDCL Review to allow construction of a structure in a public place be approved with the following stipulations:

Building Inspection Division Recommendations:

1. A building permit shall be obtained prior to the initiation of construction;

Air Quality Division Recommendations:

2. Air Quality Permit shall be obtained if one acre of land is disturbed by either the fence installation or access road construction;

County Highway Department Recommendations:

3. Prior to issuance of a Building Permit, provisions to maintain local drainage paths should be included in the fence design if disruption to local drainage is anticipated;

Urban Planning Division Recommendations:

4. Prior to Public Works Committee approval, a detailed landscaping plan shall be submitted, and;
5. Prior to issuance of a Building Permit, a Fence Height Exception must be approved by the Public Works Committee.

Wevik stated that he supports the motion to approve with stipulations as long as a detailed landscaping plan is submitted prior to Public Works Committee approval.

Brown called the question. There was no objection to calling the question.

The vote on the motion carried to recommend that the 11-6-19 SDCL Review to allow construction of a structure in a public place be approved with the following stipulations:

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Building Inspection Division Recommendations:

1. A building permit shall be obtained prior to the initiation of construction;

Air Quality Division Recommendations:

2. Air Quality Permit shall be obtained if one acre of land is disturbed by either the fence installation or access road construction;

County Highway Department Recommendations:

3. Prior to issuance of a Building Permit, provisions to maintain local drainage paths should be included in the fence design if disruption to local drainage is anticipated;

Urban Planning Division Recommendations:

4. Prior to Public Works Committee approval, a detailed landscaping plan shall be submitted, and;
5. Prior to issuance of a Building Permit, a Fence Height Exception must be approved by the Public Works Committee. (7 to 1 with Brannan, Brown, Henning, Hoffmann, Prairie Chicken, Schmidt and Wevik voting yes and Nash voting no)

8. **No. 03SR048 - Providence Subdivision**

A request by Realcom Associates for Western Wireless Corporation to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public utility** on Lot CR of Block 12-13(Ordinance #1925, 1945) Block 12, Providence Subdivision, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago Street.

Sarah Telschow, Realcom Associates for Western Wireless Corporation, stated that the applicant is proposing to construct a four-foot microwave dish on an existing 150-foot monopole. She further explained that Western Wireless Corporation does intend to remove a 40-foot steel pole that is currently on the property. She asked that the Planning Commission approve the applicant's request for an 11-6-19 SDCL Review to allow for the construction of a public utility.

Elkins stated that staff is recommending that the 11-6-19 Review be continued to the February 19, 2003 Planning Commission meeting until all outstanding violations are resolved.

In response to a question by Wevik, Elkins stated that staff felt that continuing the request to February 19, 2003 would allow the applicant adequate time to take care of the demolition of the existing steel pole on the property.

In response to a question by Brannan, Elkins advised that there is no pending litigation concerning the outstanding issues.

In response to a question by Nash, Telschow clarified that this is a cell tower and it is a commercial operation not a public safety facility.

Schmidt moved, seconded by Nash and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be continued to the February 19, 2004 Planning Commission meeting. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

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---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 12 through 28 were hereby opened. There was no public comment.

The Public Hearings on Items 12 through 28 were hereby closed.

Brown moved, seconded by Nash and unanimously carried to recommend approval of the Hearing Consent Agenda Items 12 through 28 in accordance with the staff recommendations. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

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.

Planning Commission recommended that the Petition for Annexation be continued to the December 18, 2003 Planning Commission meeting to allow the annexation to be considered in conjunction with a Layout, Preliminary and Final Plat and Subdivision Variance.

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,

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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 December 18, 2003 Planning Commission meeting to be heard in conjunction with a Vacation of Right-of-Way request, an Annexation Petition request and a Comprehensive Plan Amendment to the Major Street Plan request.

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.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential II District be continued to the December 18, 2003 Planning Commission meeting to allow the rezoning to be considered in conjunction with a Layout, Preliminary and Final Plat and Subdivision Variance.

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** 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, more generally described as

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being located along Nicole Street.

Planning Commission recommended that the Rezoning from Mobile Home District to Low Density Residential II District be continued to the December 18, 2003 Planning Commission meeting to allow the rezoning to be considered in conjunction with a Layout, Preliminary and Final Plat and Subdivision Variance.

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 December 18, 2003 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.

17. No. 03CA036 - Section 4, T1N, R7E

Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 0.98 acre parcel of land from Residential to Office Commercial with a Planned Commercial Development on Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1010 Soo San Drive.

Planning Commission recommended that the Summary of Adoption Action be

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approved and authorized publication in the Rapid City Journal.

18. No. 03CA037 - Pioneer Subdivision

A request by Renner & 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 an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; less the east 400 feet, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel contains 8.22 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 Amendment to the Comprehensive Plan to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development be approved.

19. No. 03CA038 - Pioneer Subdivision

A request by Renner & 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 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development** on the east 400 feet of 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

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described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 3.78 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 Amendment to the Comprehensive Plan to change the future land use designation on a 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development be approved.

*20 No. 03PD056 - Pioneer Subdivision

A request by Renner & Sperlich Engineering Company for 16 Plus, LLP to consider an application for a **Planned Development Designation** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly

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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 Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to General Commercial District and the related Amendments to the Comprehensive Plan to change the land use from General Agriculture to General Commercial with a Planned Commercial Development and from General Commercial to General Commercial with a Planned Commercial Development 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.

21. No. 03PL094 - Pioneer Subdivision

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the December 18, 2003 Planning Commission meeting.

22. 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

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Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

23. No. 03PL108 - Radio Tower Subdivision

A request by Precision Surveying for Vernell Erickson to consider an application for a **Preliminary and Final Plat** on Lot 3R and Lot 5R in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and the east 10 feet of Lot 4; the west 95 feet of Lot 4; Lot 5; all located in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Cherry Avenue and East Franklin Street.

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, construction plans showing the extension of a sewer main along E. Franklin Street shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**

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

Register of Deed's Office Recommendation:

3. Prior to Final Plat approval by the City Council, the plat title shall be revised to show "Radio Towers Subdivision" in lieu of Radio Towers Addition;

Urban Planning Division Recommendations:

4. 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.

24. **No. 03SV043 - Radio Tower Subdivision**

A request by Precision Surveying for Vernell Erickson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3R and Lot 5R in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and the east 10 feet of Lot 4; the west 95 feet of Lot 4; Lot 5; all located in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Cherry Avenue and East Franklin Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the following stipulation:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

25. **No. 03PL109 - Gilmore Subdivision**

A request by D.C. Scott Co., Land Surveyors for Gary and Connie Janzen to consider an application for a **Preliminary and Final Plat** on Lot 6R of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and north of Lot 6 and Lot 7 of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2517 Plateau Lane.

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, construction plans for Plateau Lane shall be submitted for review and approval. In particular, the construction plans shall show Plateau Lane with a 27 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, a subdivision

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estimate form shall be submitted for review and approval;

Pennington County Highway Department Recommendation:

3. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the dimension of the Hawthorne Irrigation Ditch easement; and,

Urban Planning Division Recommendations:

4. 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.

26. **No. 03SV045 - Gilmore Subdivision**

A request by D.C. Scott Co., Land Surveyors for Gary and Connie Janzen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6R of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and north of Lot 6 and Lot 7 of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2517 Plateau Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement be approved with the following stipulation:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement along Plateau Lane as it abuts the subject property.

27. **No. 03PL111 - Village on the Green No. 2 Subdivision**

A request by FMG, Inc. for Hart Ranch Development Company to consider an application for a **Preliminary and Final Plat** on Lots 21R and 22R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Hacker Loop.

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, construction plans for Hacker Loop shall be submitted for review and approval. In particular, the construction plans shall show a minimum 49 foot wide right-of-way and sidewalks on both sides of Hacker Loop or a Variance to Subdivision Regulations shall be obtained;

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2. **Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted for review and approval identifying the location of water and sewer taps to the subject property;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; and,**

Urban Planning Division Recommendations:

4. **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.**
28. No. 03SV046 - Village on the Green No. 2 Subdivision
A request by FMG, Inc. for Hart Ranch Development Company to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 21R and 22R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Hacker Loop.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way be approved.

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 29 and 31 be considered concurrently.

29. No. 03CA040 - Springbrook Acres
A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.
31. No. 03RZ047 - Springbrook Acres
A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for a **Rezoning from Park Forest District to Low Density Residential II District** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

Hoffmann opened the public hearings on Items 29 and 31.

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

Discussion followed concerning the applicant submitting an Initial Residential Development Plan and obtaining a Special Exception to the Street Design Criteria Manual to allow Holiday Lane to serve as exclusive access to 130 dwelling units.

Hoffmann closed the public hearings on Items 29 and 31.

Wevik moved, seconded by Henning and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II and the Rezoning from Park Forest District to Low Density Residential II District be continued to the January 8, 2004 Planning Commission meeting to allow the applicant to submit an Initial Residential Development Plan. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

*30 No. 03PD057 - Springbrook Acres

A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for a **Planned Development Designation** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

Hoffmann opened the public hearing on Item 30.

Fisher presented that the request and reviewed staff's recommendation.

Hoffmann closed the public hearing on Item 30.

Schmidt moved, seconded by Nash and unanimously carried to recommend that the Planned Development Designation be denied without prejudice. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik 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.

Fisher requested that Items 32 through 35 be considered concurrently.

32. No. 03PL112 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Preliminary and Final Plat** on Tract M1 and M2, Fountain Springs Business Park, located in the NE1/4 SE1/4 of Section 27, and the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4 of Section 27 and a portion of the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

along Harmony Heights Lane.

33. No. 03CA041 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

*34. No. 03PD058 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Planned Development Designation** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

35. No. 03RZ049 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of

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land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

Hoffmann opened the public hearings on Items 33 thru 35 and asked for public comment on Item 32.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation. Fisher added that staff is recommending that Items 32 through 35 be continued to the December 18, 2003 Planning Commission meeting to allow the applicant to submit additional information regarding drainage and the road construction plans for Sunny Springs Drive.

Discussion followed concerning access and the 40 unit rule.

Hoffmann closed the public hearings for Items 33 thru 35.

Schmidt moved, seconded by Nash and unanimously carried to recommend that the Preliminary and Final Plat, the Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development, the Planned Development Designation and the Rezoning from General Agriculture District to Medium Density Residential District be continued to the December 18, 2003 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

36. No. 03SV044 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

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located along Homestead Street.

Hoffmann opened the public hearing on Item 36.

Fisher presented the request and reviewed the slides of the subject property. She explained that the applicant is proposing to dedicate right-of-way for the eastern 115 feet of Homestead Street and to sign a waiver of right to protest any future assessment for the improvements in consideration of granting a Subdivision Variance to the improvements at this time.

Discussion followed concerning installation of a drainage pipe extending east from the subject property onto the adjacent property, which is under different ownership. Additional discussion followed concerning drainage impacts, the close proximity of the new school and sidewalks.

Fisher stated that staff is recommending that the Variance to the Subdivision Regulations be denied. She further explained that in the past, the City Council has required that streets be improved as part of the platting process to insure that street connectivity exists as additional development within the area occurs. She advised that staff has received three phone calls in which the callers indicated support of staff's recommendation to deny.

In response to a question by Nash, Elkins advised that a portion of this property is included in a Tax Increment Financing District. She further explained that the Tax Increment District did not cover road improvements. A brief discussion followed concerning water improvements.

Hoffmann closed the public hearing on Item 36.

Schmidt moved, seconded by Wevik and unanimously carried to recommend that the a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement be denied. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

*37. No. 03UR016 - Section 11, T1N, R7E

A request by Lindsay Bold for KEVN, Inc. to consider an application for a **Conditional Use Permit to allow a television station and transmission towers** on Tract B (part of the NW1/4 NW1/4 west of Skyline Drive), Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Skyline Drive.

Hoffmann opened the public hearing on Item 37.

Tucker presented the request and reviewed the slides of the subject property and staff's recommendation to continue the request to the December 18, 2003 Planning Commission meeting.

Elkins clarified that the applicant has not submitted a revised site plan indicating an additional 20 off street parking spaces and as such staff is recommending that the

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Conditional Use Permit to allow a television station and transmission towers be continued to the December 18, 2003 Planning Commission meeting.

Lindsay Bold, Chief Engineer for KEVN, explained that KEVN plans to add two satellite dishes on two concrete pads on an existing site. Bold explained that the applicant also plans to seek a variance to lower the minimum off street parking requirements through the Zoning Board of Adjustment.

Discussion followed concerning access, parking requirements, a parking plan and submittal of a revised site plan showing the complete area of the property and a detailed floor plan.

Bold expressed his concerns with construction delays.

Elkins explained that the applicant could obtain a footing and foundation permit if a revised site plan was submitted that complies with the requirements of the City Ordinances prior to final action.

Schmidt moved and seconded by Brown to continue the public hearing on the application for a Conditional Use Permit to allow a television station and transmission towers to the December 18, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

Discussion followed concerning continuing the request to the January 22, 2003 Planning Commission meeting to allow the applicant time to submit a variance request to the Zoning Board of Adjustment.

The motion maker amended the motion to continue the Conditional Use Permit to allow a television station and transmission towers to the January 22, 2004 Planning Commission meeting to allow the applicant time to submit additional information. The second concurred. The vote on the motion unanimously carried. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Hoffmann closed the public hearing on Item 37.

38. No. 03VE020 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Vacation of a Non-Access Easement** on Lot 1 of Block 10, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Prestwick Road and Muirfield Drive.

Tucker presented the request and reviewed the slides of the subject property and staff's recommendation. He pointed out that the applicant submitted a revised exhibit on Wednesday, December 3, 2003 which was placed on the dais this morning for Planning Commission review. He further explained that the revised exhibit shows the vacated portion of the non-access easement to be 85 feet from the wrong southwest corner of the property and as such staff is requesting that stipulation #1 be revised to read: "Prior to City Council approval, a revised exhibit shall be submitted showing the vacated portion of the non-access easement to be 85 feet from the southwest corner of

the property".

Wevik moved, seconded by Nash and unanimously carried to recommend that the Vacation of a Non-Access Easement be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to City Council approval, a revised exhibit shall be submitted showing the vacated portion of the non-access easement to be 85 feet from the southwest corner of the property, and;**
- 2. A Special Exception is hereby granted to allow access from a street that is not the lesser order street as per the Street Design Criteria Manual. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

39. Discussion Items

None

40. Staff Items

- A. Planning Commission Training Session - December 9, 2003

Elkins reminded the Planning Commission that the Planning Commission Training Session has been scheduled for December 9, 2003 from 11:30 a.m. to 1:00 p.m. in Council Chambers. She advised that the training would cover ex parte issues, new procedures for opening and closing public hearings, the new audiovisual system in Council Chambers and some additional Planning 101 topics.

41. Planning Commission Items

- A. 03PD054 - Appeal of Planning Commission decision on a request by Chris Connelly for a Major Amendment to a Planned Residential Development to allow a seven foot side yard setback on Lots 35 thru 38 of Lot 3 in the NE1/4 NW1/4, Block 2, Schamber Section 9 NE1/4 NW14, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1920 and 1930 Monte Vista Drive

Kooiker explained that on November 6, 2003 the Planning Commission approved the Major Amendment to a Planned Residential Development to allow a seven-foot side yard setback with stipulations. He added that upon appeal to the City Council, the City Council voted to deny the Major Amendment to a Planned Residential Development on December 1, 2003.

Kooiker added that he understood the neighbors' concerns as well as the applicant's. He added that he supports the Planned Development process but questioned if there were not alternatives available to address Planned Developments in older neighborhoods where there is mixture of zoning districts.

Discussion followed concerning the Planned Development process, special zoning districts, overlay districts, Medium Density Residential Zoning Districts, and apartment complexes. Additional discussion followed concerning balancing area landowner's interests and developers that have made significant

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investments in their property.

Wevik stated that he supports the Planned Development process.

Nash stated that in his opinion the Future Land Use Area Plans should be reviewed and revised as these neighborhoods are redeveloped.

Elkins suggested placing this on the next Planning Commission agenda as a discussion item to allow staff time to prepare alternatives.

The Planning Commission concurred.

42. Committee Reports
None

There being no further business Brown moved, seconded by Nash and unanimously carried to adjourn the meeting at 8:20 a.m. (8 to 0 with Brannan, Brown, Henning, Hoffmann, Scott Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)