

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 18, 2003

MEMBERS PRESENT: Sam Brannan, Gary Brown, Ida Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone and Stuart Wevik

STAFF PRESENT: Marcia Elkins, 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.

Wevik moved, seconded by Stone and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 8 in accordance with the staff recommendations. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the December 4, 2003 Planning Commission Meeting Minutes.
2. No. 600 - Walpole Heights Subdivision
A request by the City of Rapid City to consider an application for the **Dissolution of Tax Increment District No. 7** on a portion of Tract A Revised, Tract D and a portion of Tract C Revised, all including the right-of-way therein (formerly Tracts A and B and the right-of-way therein), all located in Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of U.S. Highway 16 at the intersection of Fairmont Blvd. and U.S. Highway 16.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 7 be approved.

3. 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 approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 40 foot wide drainage easement along the north lot line. In addition, the plat document shall be revised to show the existing billboard easement located in the northern portion of the subject property;
2. Prior to Preliminary Plat approval by the Planning Commission the construction plans shall be revised as shown on the red lined drawings and returned for review and approval. In addition, the plat document shall be revised to show a 20 foot wide utility easement for the water and sewer service lines located on Lot 2 that serve Lot 1;
3. A Special Exception to the Street Design Criteria Manual is hereby granted to reduce the separation from the approach along Knollwood Drive to the Maple Avenue/Knollwood Drive intersection from 50 feet to 40 feet;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a shared approach to the two lots along Maple Avenue;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the right of way widths for these streets;
6. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

Register of Deed's Office Recommendation:

7. Final Plat approval by the City Council, a new subdivision name shall be submitted for review and approval;

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.

4. **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 January 22, 2004 Planning Commission meeting at the applicant's request.

5. **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 January 22, 2004 Planning Commission meeting.

6. No. 03PL116 - Windmere Subdivision

A request by Olsen Development Co., Inc. to consider an application for a **Layout Plat** on Lots 1 thru 28, Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of Twilight Drive and Meadow Lane.

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

Engineering Division Recommendations:

1. **A Special Exception is hereby granted to allow a private access easement to serve 28 lots in lieu of four lots as per the Street Design Criteria Manual;**
2. **A Special Exception is hereby granted to allow water and sewer mains to be located in public utility easement(s) in lieu of public rights-of-way as per the Street Design Criteria Manual;**
3. **A Special Exception is hereby granted to allow the Haycamp Lane approach onto Twilight Drive to be constructed as a 36 foot wide reinforced concrete driveway approach in lieu of a street intersection as per the Street Design Criteria Manual;**
4. **Upon submittal of the Preliminary Plat, road construction plans for Haycamp Lane and Hayloft Lane shall be submitted for review and approval. In particular, Hayloft Lane and the southern 240 feet of Haycamp Lane shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalks, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the northern 240 feet of Haycamp Lane shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot wide paved surface curb, gutter, sidewalks, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
5. **Upon submittal of the Preliminary Plat, road construction plans showing the extension of Hayloft Lane to Meadow Lane shall be submitted for review and approval or a grading plan shall be submitted identifying the constraints precluding the road construction;**
6. **Upon submittal of the 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;**
7. **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;

8. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
10. Prior to Final Plat approval by the City Council, the applicant shall submit covenants identifying maintenance of the access easements, public water and sewer utilities and drainage improvements;

Fire Department Recommendations:

11. Upon submittal of the Preliminary Plat, road construction plans for the hammerhead turnaround(s) shall be submitted identifying a 19 foot wide turnaround in lieu of a 12 foot turnaround;

Rapid Valley Sanitary District Recommendation:

12. Upon submittal of the Preliminary Plat, the water and sewer plans shall identify the abandonment of water and sewer main stubs as necessary;

Pennington County Drainage Engineer Recommendation:

13. Upon submittal of the Preliminary Plat, adequacy of the existing drainage channel located on the south side of the development shall be verified as a part of the drainage plan;

Urban Planning Division Recommendations:

14. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and,
15. 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.

7. **No. 03PL117 - Red Rock Estates**

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2, Block 12; Lots 1 thru 7, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; Outlots G-1, G-2, G-3 and X and dedicated streets, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road and Bethpage Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the January 22, 2004 Planning Commission meeting to allow the applicant to submit additional information.

8. **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 January 8, 2004 Planning Commission meeting to allow the applicant to submit further information and a revised site plan.

END OF NON-HEARING CONSENT CALENDAR

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 9 through 29 were hereby opened.

Staff requested that Items 26 and 29 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 21 be removed for separate consideration.

The Public Hearings on Items 9 through 29 were hereby closed.

Nash moved, seconded by Stone and unanimously carried to recommend approval of the Hearing Consent Agenda Items 9 through 29 in accordance with the staff recommendations with the exception of Items 21, 26 and 29. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

9. 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 approved.

10. 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 approved.

11. 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 being located along Nicole Street.

Planning Commission recommended that the Rezoning from Mobile Home

District to Low Density Residential II District be approved.

12. No. 03AN012 - Tyler Knue Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the west 1321.62 feet of the sixty six foot wide section line highway lying between Sections 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line highway lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line highway lying between Sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Nicole Street west of Haines Avenue.

Planning Commission recommended that the Petition for Annexation be approved with the following revised description: The north-south section line right-of-way located in the S1/2 SE1/4 SE1/4 of Section 14, T2N, R7E, BHM; all of the section line right-of-way located in the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM; the east 918.40 feet of the east-west section line right-of-way located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM; and, the north-south section line right-of-way located in the NE1/4 of Section 23, T2N, R7E, BHM; all located in Sections 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota.

13. No. 03CA042 - Tyler Knue Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street** on the east-west section line lying between Sections 13 and 24, T2N, R7E, BHM, Pennington County South Dakota and by relocating a Collector Street currently located along the north-south section line lying between the SW1/4 of Section 13, T2N, R7E and the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Nicole Street and west of Haines Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street be approved.

14. 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 approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, erosion control measures shall be verified;
2. Prior to Preliminary Plat approval by the City Council, 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;
3. Prior to Preliminary Plat approval by the City Council, modifications to the pavement design shall be submitted for review and approval as needed;
4. A Special Exception shall hereby be granted to allow 49 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual;
5. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north and west lot line(s) shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highways shall be vacated;
6. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street located along the north lot line shall be obtained or construction plans for the collector street shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

Urban Planning Division Recommendations:

8. Prior to Preliminary Plat approval by the City Council, the northern portion of the subject property shall be annexed into the City limits of Rapid City;
9. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; and,
10. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

15. **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 approved.

16. No. 03VR014 - Tyler Knue Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Section Line Highway** on the west 1321.62 feet of the sixty six foot wide section line highway lying between Section 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line highway lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line highway lying between Sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located located north of Nicole Street and west of Haines Avenue.

Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, a 20 foot water main easement located along the west half of the north-south section line highway to be vacated shall be recorded at the Register of Deed's Office;

Urban Planning Division Recommendations:

2. Prior to City Council approval, a Comprehensive Plan Amendment to the Major Street Plan relocating the east-west collector street located along the SW1/4 of Section 13 and relocating the north-south collector street located along the S1/2 SW1/4 SW1/4 of Section 13, all located in T2N, R7E, BHM, Pennington County, South Dakota shall be reviewed and approved;
3. Prior to City Council approval, Exhibit A shall be revised eliminating the N1/2 SW1/4 and the N1/2 SW1/4 SW1/4 of the section line highway located along Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and,

4. **Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.**

17. 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.

Planning Commission recommended that 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 be continued to the January 22, 2004 Planning Commission meeting to be heard in conjunction with the Preliminary and Final Plat.

*18. 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.

Planning Commission recommended that the public hearing for the Planned Development Designation be continued to the January 22, 2004 Planning Commission meeting to be heard in conjunction with the Preliminary and Final Plat.

19. 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.

Planning Commission recommended that the Preliminary and Final Plat be continued to the January 22, 2004 Planning Commission meeting.

20. 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 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.

Planning Commission recommended that the Rezoning from General Agriculture District to Medium Density Residential District be continued to the January 22, 2004 Planning Commission meeting to be heard in conjunction

with the Preliminary and Final Plat.

22. No. 03PL113 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 12 of Block 6, Red Rock Estates located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SW1/4 of the NE1/4 Section 29 and a part of Picardi Ranch Road located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Muirfield 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, the road construction plans shall be submitted for review and approval showing a minimum right-of-way of 68 feet in lieu of 52 feet for Muirfield Drive or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 20 foot wide sewer service easement extending west of the subject property to the existing sewer main location;**
3. **Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**

Register of Deed's Office Recommendation:

4. **Prior to City Council approval by the City Council, the plat document shall be revised adding "Phase 1A" after "Red Rock Estates" on the title;**

Urban Planning Division Recommendations:

5. **Prior to City Council approval by the City Council, all affected utility companies indicate concurrence with the proposed utility easement vacation; and,**
6. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

23. No. 03SV047 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 68 feet to 52 feet as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in SW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 1B, Block 6 of Red Rock Estates Phase 1A, as recorded with the Pennington County Register of Deeds in Book 30, Page 162 (1 & 2); thence S14°58'00"E, 120.00 feet; thence S75°02'00"W, 144.56 feet to a point lying on a curve concave to the east and whose chord bears N22°17'57"W, 120.99 feet; thence continuing along the arc of said curve to the right whose radius is 474.00 feet and whose delta angle is 14°39'53", an arc length of 121.32 feet to a point on said curve; said point also being the southwest corner of said Lot 1B, Block 6; thence N75°02'00"E along the southerly line of said Lot 1B, Block 6, 160.00 feet to

the Point of Beginning containing 0.427 acres more or less, more generally described as being located along Muirfield Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the right-of-way width from 68 feet to 52 feet be approved.

*24. 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 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.

Planning Commission recommended that the public hearing for a Revocation of a Use on Review to allow a Communication Tower in the Public Zoning District be continued to the June 10, 2004 Planning Commission meeting at the applicant's request.

*25. 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 recommended that the public hearing for the Conditional Use Permit to allow billboards be continued to the February 19, 2004 Planning Commission meeting to allow the applicant to provide further information and a revised site plan.

*27. No. 03UR019 - Morningside Subdivision

A request by Alvin Ficek, Heartland GMAC Real Estate for the Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Conditional Use Permit to allow a church in a High Density Residential Zoning District** on Lots 1 thru 4, Block 7; and Lots 5 and 6, Block 8; Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Oriole Drive.

Planning Commission continued the public hearing on the application for a Conditional Use Permit to allow a church in a High Density Residential Zoning District to the January 22, 2004 Planning Commission meeting.

28. No. 03VR012 - Morningside Subdivision

A request by Alvin Ficek for Heartland GMAC Real Estate for Barbara Van Ekeren and Peggy Kelly to consider an application for a **Vacation of Right-of-Way** on a portion of undeveloped Oriole Drive right-of-way adjoining Lots 2 and 3 in Block 7 and Lots 5 and 6 in Block 8 of Lot A of Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Oriole Drive west of West Boulevard North.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the January 22, 2004 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

21. No. 03CA039
Comprehensive Plan Amendment - Summary of Adoption Action - Adoption of the South Truck Route Drainage Basin Master Plan.

Hoffmann opened the public hearing on Item 21.

In response to a question by Schmidt, Elkins explained that the Summary of Adoption Action is the final step in the approval process for an Amendment to the Comprehensive Plan. She added that the Planning Commission reviews the Notice of Summary of Adoption Action to determine that it accurately reflects the actions of the Planning Commission and City Council and authorizes publication in the Rapid City Journal. She advised that the Planning Commission and City Council previously reviewed and approved the amendment to adopt the South Truck Route Drainage Basin Master Plan.

Hoffmann closed the public hearing on Item 21.

Schmidt moved, seconded by Wevik and unanimously carried to recommend that the Summary of Adoption Action be approved and authorized publication in the Rapid City Journal. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

- *26. No. 03UR018 - Miracle Place Subdivision
A request by Ronald Petty to consider an application for a **Conditional Use Permit to allow a private garage in excess of 1,500 square feet, in excess of the footprint of the dwelling unit, and greater than 30% of the gross floor area of the dwelling unit** on Lot A (Also in Section 8), Miracle Place Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4349 Miracle Place.

Hoffmann opened the public hearing on Item 26.

Elkins stated that prior to Planning Commission approval the applicant was to submit a revised site plan showing additional landscaping to provide screening of the garage door from the north. She further explained that the stipulations of approval have not been met and as such staff is recommending that the public hearing on the application for a Conditional Use Permit to allow a private garage in excess of 1,500 square feet, in excess of the foot print of the dwelling unit, and greater than 30% of the gross floor area of the dwelling unit be continued to the January 8, 2004 Planning Commission meeting. She added that there are neighbors in the audience that would like to speak regarding the applicant's request.

Ronald Petty, applicant, stated that he has reached a verbal agreement with his neighbor to the north regarding additional landscaping. He further added that he has

been out of town and was unable to provide a revised site plan prior to the Planning Commission meeting today.

Eleanor Moe, 4560 Cliff Drive, expressed concerns with the applicant placing excavated dirt on her property. She also requested that the applicant be required to provide additional landscaping and screening along the side of the garage.

In response to a question by Brannan, Petty stated that he wants to be a good neighbor and will work with Moe regarding additional screening and landscaping.

Discussion followed concerning a continuance and the stipulations of approval.

In response to a question by Schmidt, Petty stated that in his opinion he would be able to comply with the stipulations of approval by the January 8, 2004 Planning Commission meeting.

Hoffmann closed the public hearing on Item 26.

Wevik moved, seconded by Stone and unanimously carried to continue the public hearing on the application for a Conditional Use Permit to allow a private garage in excess of 1,500 square feet, in excess of the footprint of the dwelling unit, and greater than 30% of the gross floor area of the dwelling unit to the January 8, 2004 Planning Commission meeting. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

29. No. 03VR013 - Wise's Addition

A request by Alliance of Architects and Engineers for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Right-of-Way** on that portion of the alley of Block 13, Wise's Addition adjacent to Lots 4 thru 10 and Lots 11 thru 17 of said Block 13, located in the S1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 305, 307, 311 and 313 East Adams Street.

Elkins stated that the stipulations of approval have not been met and as such staff is recommending that the Vacation of Right-of-Way be continued to the January 8, 2004 Planning Commission meeting.

Stone moved, seconded by Schmidt and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the January 8, 2004 Planning Commission meeting. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*30. No. 03PD059 - Vista Lake Subdivision

A request by Dakota Land Development to consider an application for a **Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water**

zone boundaries on Lot 1 of Lot F-1 and Lot F1 less Cleghorn Canyon #2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Jackson Boulevard north of the Fish Hatchery.

Hoffmann opened the public hearing for Item 30.

Elkins explained that the applicant has submitted a letter requesting that the public hearing for the Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries be continued to the January 22, 2004 Planning Commission meeting.

Stone moved, seconded by Brown and unanimously carried to continue the public hearing on the application for a Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries to the January 22, 2004 Planning Commission meeting at the applicant's request. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

31. No. 03RZ050 - Original Town of Rapid City

A request by Derby Enterprises for Phatty McGee's, Inc. to consider an application for a **Rezoning from General Commercial District to Central Business District** on the south 50 feet of Lots 28 thru 32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Elkins presented the request and reviewed the City Council's action to deny without prejudice the Rezoning from General Commercial District to Central Business District at First Reading on December 15, 2003.

In response to a question by Schmidt, Elkins advised that staff is recommending that the Planning Commission table the rezoning request.

Mike Derby, Derby Enterprises for Phatty McGee's, requested that the Planning Commission continue the public hearing on the application for a **Rezoning from General Commercial District to Central Business District** to the January 22, 2004 Planning Commission meeting to allow the applicant time to submit information regarding parking in the downtown area.

In response to a question by Brannan, Elkins explained that the City Council expressed concerns with the parking in the downtown area and denied the request without prejudice. Elkins further explained that the denial without prejudice allows the applicant to address the parking issues in the area and re-submit a request without having to pay another application fee.

In response to a question by Stone, Derby stated that the applicant would like to rezone the property to allow Phatty McGee's to open for lunch during the weekdays.

Discussion followed concerning the City Council's First and Second Reading process regarding rezoning applications and the applicant's ability to present additional information before the Planning Commission.

Brannan stated that she planned to abstain from voting.

Wevik stated that in his opinion the Planning Commission has a duty to hear from the applicant and any other interested parties. He added that he planned to vote in support of the motion to continue.

The vote on the motion carried to recommend that the Rezoning from General Commercial District to Central Business District to the January 22, 2004 Planning Commission meeting. (8 to 1 to 1 with Brown, Fast Wolf, Henning, Hoffmann, Prairie Chicken, Schmidt, Stone and Wevik voting yes, Nash voting no and Brannan abstaining)

32. No. 03SR046 - CD Rounds Subdivision

A request by Fisk Land Surveying & Consulting Engineering for Mega Com to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public utility** on Tract C, CD Rounds Subdivision, Section 33, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 Sturgis Road.

Tucker presented the request and staff's recommendation to continue the 11-6-19 SDCL Review to allow for the construction of a public utility to the January 8, 2004 Planning Commission meeting to allow the applicant time to submit additional information and a revised site plan.

In response to a question by Wevik, Tucker advised that staff is requesting that the applicant provide a site plan showing that the tower is a stealth flagpole design. He added that the site plan also needs to show the required screening fence along the property lines adjacent to residential areas.

In response to a question by Schmidt, Tucker stated that there is no pole at the proposed site and the applicant is planning to place a monopole on the site to off-load calls from the Dinosaur Park site.

Janelle Finck, Fisk Land Surveying & Consulting Engineering for Mega Com, asked for clarification on what additional information Planning Commission and staff are requesting. Finck stated that in her opinion requiring that the applicant to submit a stealth flagpole design is denying them the opportunity to present a monopole design. She added that the applicant understands that if their proposal is not successful then they will adjust their proposal accordingly.

Brannan stated that it was her understanding at the last meeting that the Planning Commission and staff had requested the applicant to provide tower design options.

David Donaldson, Senior RF Engineer for Mega Com, reviewed the location of flagpole towers in and around South Dakota. He added that cost is not an issue between the flagpole and monopole design. He explained that cellular costs are not

driven by tower design but rather the electronics that go into the facility. He expressed his opinion that it is best to put in the minimal amount of sites to provide coverage to the citizens and to the large tourist community that comes through the area. He further reviewed coverage plots, fully provisioned sites, the differences between analog and digital technology, maximum capacity, the use of data and other forms of technology, three carrier tower, future growth of the cellular industry, aesthetics and problems with co-location.

In response to a question by Brannan, Donaldson stated that the applicant would need to add towers in a couple of years at the Rushmore Mall, the south part of town by Rapid City Regional Hospital and in the area of Canyon Lake. He added that a new site is being constructed in Black Hawk to help off load calls from Dinosaur Park. He stated that in his opinion the applicant would reach capacity limits in approximately two years.

In response to a question by Schmidt, Donaldson stated that the applicant is proposing to construct a monopole in order to maximize capacity.

Discussion followed concerning co-location, aesthetics and different types and shapes of antennas.

Stone stated that in his opinion he does not believe that the use of a stealth flagpole or fir tree shaped antenna is going to work for the applicant. He added that the City has a responsibility to the citizens to provide opportunities for cellular use. He stated that he looked at the site and supports a monopole design.

In response to a question by Stone, Elkins stated that staff is recommending that the application be continued to the January 8, 2004 Planning Commission meeting to allow the applicant to provide a revised site plan showing the screening fence and to provide additional information concerning the advantages and disadvantages of the different sites and the use of a flagpole tower.

In response to a question by Henning, Donaldson stated that the applicant would need to construct a third more towers if required to utilize flagpoles rather than a monopole design.

Schmidt moved and seconded by Henning to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be continued to the January 8, 2004 Planning Commission meeting to allow the applicant time to provide additional information.

Gwenyfar Maiangelo, 3434 West, expressed concerns with radio frequency signals in or near residential areas, property values, aesthetics and potential health affects. She stated that in her opinion the proposed tower is too close to residences.

Elkins stated that staff received a letter from the Children's House Montessori outlining their concerns, which has been placed on the dais. She further explained that the Telecommunications Act of 1996 precludes local governments from taking into account any potential health affects from radio frequency signals.

Wevik stated that he would like the applicant to provide the Planning Commission with drawings and/or pictures of both stealth and mono pole designs, the screening fence detail and any additional recommendations that staff may have in terms of stipulations at the January 8, 2004 Planning Commission meeting.

Elkins discussed the use of stealth towers in Sioux Falls. She added that staff sent pictures to the Planning Commission previously of one tower in Sioux Falls. She explained that the Planning Department staff in Sioux Falls stated that in their opinion, the City of Sioux Falls would prefer to see more flagpole towers as the impacts and visual aesthetics are more in keeping with residential and commercial neighborhoods.

In response to a question by Elkins, Donaldson advised that the applicant has a tower on Dinosaur Park and a tower at Century. He added that there are no other carriers co-located at these sites.

Elkins asked the Planning Commission for clarification on what information they would like the applicant to provide prior to the next meeting.

Schmidt amended the motion to include additional information regarding flagpole antennas.

Brannan stated that in her opinion the issue before the Planning Commission is whether the City wants one large tower or more smaller flagpole towers in residential areas. She expressed her concerns with capacity and large towers. She added that she would not support a monopole design if asked to vote today but would support a continuance to allow the applicant time to provide additional information regarding the stealth flagpole design.

Elkins reviewed the Planning Commission's decision to support a flagpole design rather than a monopole design. She added that the stealth flagpole design blends into the neighborhood.

Discussion followed concerning placing towers on top of taller buildings and blending the antennas into the structures.

Schmidt expressed his concerns with aesthetics and placing towers in residential areas.

In response to a question by Nash, Donaldson reviewed the other site locations that the applicant considered.

Janelle Finck, Fisk Land Surveying & Consulting Engineering for Mega Com, reviewed the difficulty the applicant had in finding a suitable location for a cellular tower. She added that it is very difficult to find land that is available and that would meet the applicant's needs and be in the right location concerning elevation and height in west Rapid City. Finch stated that at the last Planning Commission she understood that due to the topography differences between the adjoining properties, the applicant had asked to be able to utilize the security fence to be able to serve as the screening fence. She indicated that there was a screening type fence along the

west side and some heavy hedge along the residential area.

Discussion followed concerning the applicant submitting an application before the Zoning Board of Adjustment concerning the fence.

Elkins stated that the site plan could have a notation placed on it that the applicant is seeking a variance for fence and that it would be considered separately.

Schmidt amended the motion to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be continued to the January 22, 2004 Planning Commission meeting to allow the applicant time to provide drawings and/or pictures of stealth flagpoles and monopoles and a revised site plan showing the screening fence detail with a notation that the applicant is seeking a variance and that it will be considered separately. The second concurred.

A brief discussion followed concerning property values.

Steve Gallas, Coldwell Banker Lewis Kirkeby-Hall Real Estate, stated that in his opinion, the placement of a cellular tower in a residential neighborhood does not have any affect on property values. He added that he worked with the applicant for quite some time to find an adequate location. He added that in his opinion in time a new tower would become an unnoticed piece of Rapid City.

The vote on the motion carried unanimously to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be continued to the January 22, 2004 Planning Commission meeting to allow the applicant time to provide drawings and/or pictures of stealth flagpoles and monopoles, a revised site plan showing the screening fence detail with a notation that the applicant is seeking a variance and that it will be considered separately. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

33. No. 03VE021 - Elks Country Estates Subdivision

A request by Sperlich Consulting Inc. for Dennis Zandstra to consider an application for a **Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual** on Lot 4 of Block 8 of Elks Country Estates Subdivision in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Willowbend Road southeast of Augusta Drive.

Tucker presented the request, reviewed the slides of the property and staff's recommendation.

Nash stated that in his opinion he does not see a problem with the applicant accessing the property from Willowbend Road rather than Hazeltine Court and supports approval of the Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual.

Elkins explained that this property is a double frontage lot. She added that access

should come off the lower order street to insure that there is continuity in terms of the use areas. She added that it would be unusual to have the rear yard face the front yards of the homes on the cul-de-sac. She explained that the Subdivision Regulations and Street Design Criteria Manual are designed to put traffic on the cul-de-sac to have that backing movement there rather than onto the rearage street. She further reviewed public safety and access.

Schmidt moved, seconded by Henning and carried to recommend that the Vacation of a Non-Access Easement and a Special Exception to the Street Design Criteria Manual be denied. (8 to 2 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Prairie Chicken, Schmidt and Wevik voting yes and Nash and Stone voting no)

34. Discussion Items

A. Multi-family Dwelling Units in Medium Density Residential Zoning Districts

Elkins suggested that the discussion on Multi-family Dwelling Units in Medium Density Residential Zoning Districts be continued to the January 8, 2004 Planning Commission meeting.

Wevik moved, seconded by Stone and unanimously carried to continue the discussion on Multi-family Dwelling Units in Medium Density Residential Zoning Districts be continued to the January 8, 2004 Planning Commission meeting. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

35. Staff Items

A. Thank you - Happy Holidays

Elkins expressed her appreciation of the Planning Commission and staff for their support and effort the past year and wished all Happy Holidays.

36. Planning Commission Items

None

37. Committee Reports

None

There being no further business Stone moved, seconded by Schmidt and unanimously carried to adjourn the meeting at 8:40 a.m. (10 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)