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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 25, 2004

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Kip Harrington, Karen Bulman, Todd Tucker, Bill Knight, Kurt Huus, Sig Zveinieks, Joel Landeen 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.

Staff requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration. Brannan requested that Item 2 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 9 in accordance with the staff recommendations with the exception of Items 2 and 9. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 4, 2004 Planning Commission Meeting Minutes.
3. No. 04PL017 - Summit Industrial Park  
A request by Renner & Associates for Summit Inc. to consider an application for a **Layout Plat** on Tract A and Tract B Summit Industrial Park and the balance of Lot X of Lot H2 located in NW1/4 SW1/4 Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1R Revised and 2R Revised of Summit Industrial Park and the balance of Lot X of Lot H2 located in NW1/4 SW1/4 Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Deadwood Avenue.

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

1. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include drainage flows from property located north of the subject property. The drainage plan shall also include any inundation limits within the southeast corner of the property and onsite detention if necessary. In addition, the plat shall be revised to show drainage easements as

needed;

2. Upon submittal of a Preliminary Plat, the plat document shall be revised to show non-access easements as per the Street Design Criteria manual. In particular, the plat document shall show a non-access easement along Deadwood Avenue except for one approved approach to Tract B. Access to Tract A from Deadwood Avenue shall require a Special Exception to the Street Design Criteria Manual to allow access from a street that is not the lesser order street;
3. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. The utility master plan shall include the location of private utilities such as telephone, electric, gas, etc.;
4. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, the applicant shall coordinate the location of sewer service tap(s) along Lange Road with the South Dakota Department of Transportation road construction project. If an on-site waste-water system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval. In addition, a wastewater permit shall be obtained from the South Dakota Department of Natural Resources for any onsite commercial and/or industrial use(s);
5. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
6. Prior to submittal of a Final Plat, water and sewer supplemental tap fees shall be paid to the South Dakota of Transportation if required;
7. Upon submittal of a Preliminary Plat, construction plans for Deadwood Avenue as a principal arterial street shall be submitted for review and approval. In particular, Deadwood Avenue shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat, construction plans for Lange Road as a minor arterial street shall be submitted for review and approval. In particular, Deadwood Avenue shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of a Preliminary Plat, a subdivision cost estimate shall be submitted for review and approval;
10. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
11. All Uniform Fire Codes shall be continually met; and,
12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the

**subdivision inspection fees shall be paid.**

4. No. 04PL022 - Steen Subdivision

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

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

1. **Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised showing a ditch easement for the South Side Ditch;**
4. **Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;**
5. **Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an on-site waste-water system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval;**
6. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed**
7. **Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, soil testing and design calculations for pavement design shall be submitted for review and approval;**
8. **Prior to Preliminary Plat approval by the City Council, construction plans for the north-south street shall be submitted for review and approval. In particular, the north-south street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and a**

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minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

9. Prior to Preliminary Plat approval by the City Council, construction plans for the east-west street shall be submitted for review and approval. In particular, the east-west street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  10. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;
  11. Prior to Preliminary Plat approval by the City Council, a structural site plan shall be submitted for review and approval;
  12. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
  13. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  14. All Uniform Fire Code shall be continually met;
  15. Prior to submittal of the Final Plat, road names for the two streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names;
  16. Prior to submittal of the Final Plat, the property shall be rezoned from General Agriculture District to allow the proposed 33.4 acre and the 14.3 acre lot; and,
  16. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
5. No. 04PL024 - Trailwood Village  
A request by Sperlich Consulting Inc. for Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lot 10 and Lots 19 thru 23 of Block 8, Lots 2 thru 7 of Block 20, Lots 13 thru 19 of Block 21, Lots 1 thru 9 of Block 23, Lots 1 thru 8 of Block 24, Lots 1 thru 3 of Block 25, and Drainage Lot, Trailwood Village, located in the E1/2 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Plateau Lane along Williams Street, Leola Lane and Quad Court.

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

1. Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval;

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2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular, drainage calculations shall be submitted for review and approval. The drainage plan shall also be revised to show all channel slopes 4:1 or flatter. Erosion and velocity control shall also be shown and the storm sewer outlet for Fischer Court shall be adjusted to hit the bottom of the channel. In addition, the plat shall be revised to show drainage easement as needed;
  - 3.. Prior to Preliminary Plat approval by the City Council, a geotechnical report shall be submitted for review and approval;
  4. Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
  5. Prior to Preliminary Plat approval by the City Council, revisions to the water and sewer plans shall be submitted for review and approval;
  6. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
  7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
  8. All Uniform Fire Code shall be continually met;
  9. Prior to submittal of the Final Plat, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual; and,
  10. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
6. No. 03SR042 - Rapid City Greenway Tract  
A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow a public use in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.
- Planning Commission recommended that the 11-6-19 SDCL Review to allow a public use in a public place be continued to the April 8, 2004 Planning Commission meeting to allow the applicant to submit additional information at the applicant's request.**
7. No. 04SR005 - GELD Subdivision  
A request by Bryan Kary for Williston Basin Interstate Pipeline Co. to consider an application for a **11-6-19 SDCL Review to relocate a natural gas pipeline** on Lot 2 of Block 1 of GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Disk Drive and Haines Avenue.

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**Planning Commission recommended that the 11-6-19 SDCL Review to relocate a natural gas pipeline be approved with the following stipulation:**

- 1. Erosion control shall be provided and the site shall be reclaimed as per South Dakota Department of Environment and Natural Resources requirements.**

8. No. 04SR009 - Section 6, T1N, R8E

A request by Rod Pappel for the South Dakota School of Mines and Technology to consider an application for an **11-6-19 SDCL Review to allow an industrial building to be converted into a research lab** on Lots 1 and 2 of Lot D of Lot 1, Section 6, T1N, R8E; and, Lots 6 and 7 of Block 2 located in the E1/2 SE1/4 SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 918 and 920 E. St. Patrick Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow an industrial building to be converted into a research lab be approved with the following stipulations:**

- 1. Prior to Planning Commission approval, a revised site plan must be submitted showing one of the handicapped parking stalls provided being van accessible;**
- 2. Prior to any approach work, a Right-of-Way Work Permit must be obtained;**
- 3. Prior to occupancy of the building, the amount and type of any chemicals to be used or stored within the building must be submitted for review; and,**
- 4. Prior to occupancy of the building, the properties must be either platted into one lot, the owner must enter into a developmental lot agreement to tie the three lots together, or the owner must enter into a shared parking agreement with the three lots.**

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

2. No. 04PL011 - Creek Drive Industrial Park

A request by Renner & Associates for Chuck Lien to consider an application for a **Preliminary Plat** on Tract A, Creek Drive Industrial Park located in NE1/4 of SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Creek Drive.

Brannan stated that she removed this item from the Non-Hearing Consent Agenda to allow her to abstain from voting.

**Wevik moved, seconded by Schmidt and carried to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. A Floodplain Development Permit shall be obtained prior to the start of any construction within that portion of the property located within the 100 year federally designated floodplain;**
- 2. Prior to submittal of a Final Plat, the plat document shall be revised to**



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- show a 20 foot wide drainage easement along the north lot line; and,**
- 3. Prior to submittal of a Final Plat, the plat document shall be revised to show a non-access easement along Creek Drive accept for approved approach location(s) as per the Street Design Criteria Manual. (8 to 0 to 1 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes, none voting no and Brannan abstaining)**
9. No. 04SR010 - Rapid City Greenway Tract

A request by FMG, Inc. for Baseball 320 Inc. to consider an application for an **11-6-19 SDCL Review to allow the construction of a storage building** on Tract 8 (also in Section 4 and 10, T1N, R7E) of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Pete Lien Field at the intersection of Canyon Lake Drive and Sheridan Lake Road.

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

Roy Weimer, Manager for American Legion Post 320 Baseball Program, reviewed the applicant's construction plans and expressed his concern with requiring the the access to the structure to be paved.

Discussion followed concerning an alternative access location, space limitations, the warm-up area for tournaments, variance procedures and the 11-6-19 SDCL Review process.

Elkins advised that the stipulation referring to paving the access to the structure is a standard requirement. She further explained that the Planning Commission does have the option to waive the paving of the access to the structure if they feel that it is not detrimental to the street system and air quality.

**Wevik moved, seconded by Stone and unanimously carried to recommend that the 11-6-19 SDCL Review to allow the construction of a storage building be approved with the following stipulations:**

- 1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building; and,**
- 2. Prior to issuance of a Certificate of Occupancy, the address must be posted on the street side of the building, with 12 inch high numbers plainly visible from the street. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Hoffmann announced that the Public Hearings on Items 10 through 65 were hereby opened.

Staff requested that Items 41 53, 56, 57, 62 and 65 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Items 24 and 25

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be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Items 13 and 14 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Nash and unanimously carried to recommend approval of the Hearing Consent Agenda Items 10 through 65 in accordance with the staff recommendations with the exception of Items 13, 14, 16, 24, 25, 41, 53, 56, 57, 62 and 65. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

The Public Hearings on Items 10 through 65 were hereby closed with the exception of Items 13, 14, 16, 24, 25, 41, 53, 56, 57, 62 and 65.

---HEARING ITEMS CONSENT CALENDAR---

10. No. 03CA040 - Springbrook Acres

**Summary of Adoption Action - 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.

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

11. No. 04CA003 - Pioneer Subdivision

**Summary of Adoption Action - Amendment to the Comprehensive Plan** to change the Major Street Plan by relocating a Collector Street on a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the



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northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

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

12. No. 04CA010

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to Adopt the City of Rapid City Bikeway/Walkway Plan.**

**Planning Commission recommended that the Amendment to the Comprehensive Plan to Adopt the City of Rapid City Bikeway/Walkway Plan be approved.**

15. No. 04PL013 - Enchanted Hills Subdivision No. 4 and Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 15BR and 23RA of Enchanted Hills Subdivision No. 4 located in the S1/2 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1R, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lots 15B and 23R of Enchanted Hills Subdivision No.4 located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot 1, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of U.S. Highway 16B and north of Catron Boulevard.

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

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for the southern 70 feet of Enchantment Road shall be submitted be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter and pavement improvements or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;**
- 3. Prior to Preliminary Plat approval by the City Council, a structural site plan shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,**
- 5. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

17. No. 04PL018 - Collins Estates

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 3, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along 237th Street.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, 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 or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
5. Upon submittal of a Preliminary Plat application, road construction plans for 237<sup>th</sup> Street shall be submitted for review and approval. In particular, the 237<sup>th</sup> Street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
8. A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac without intermediate turnarounds in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the

**Street Design Criteria Manual with the stipulation that a turnaround with a minimum 110 foot diameter right-of-way and a 92 foot wide diameter all weather surface shall be provided at the end of the cul-de-sac;**

9. **Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a street in excess of 12% grade as per the Street Design Criteria Manual or road construction plans shall be submitted for review and approval lowering the grade of the road to 12%;**
  10. **Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow the existing street to be located off center line of the right-of-way as per the Street Design Criteria Manual or additional right-of-way shall be dedicated for portions of the street;**
  11. **Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
  12. **Upon submittal of a Final Plat application, a road maintenance agreement for 237<sup>th</sup> Street shall be submitted for review and approval;**
  13. **Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and,**
  14. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
18. No. 04SV012 - Collins Estates  
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, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along 237<sup>th</sup> Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement be approved with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,**
2. **Prior to Preliminary Plat approval, construction plans shall be submitted for review and approval providing a permanent turnaround at the end of 237<sup>th</sup> Street with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter graveled surface.**

\*19. No. 04PD004 - Section 21, T1N, R7E

A request by TSP Three, Inc. for Calvary Lutheran Church to consider an application for a **Planned Residential Development - Final Development Plan** on Lot 1 of the SE1/4 NE1/4 less the west 264 feet and less Lot H1; Lot 2 of the SE1/4 NE1/4 less Lot H1; and, Lot 3 of the SE1/4 NE1/4 less right-of-way and less Lot H1; all located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5275 Sheridan Lake Road.

**Planning Commission approved the Planned Residential Development - Final Development Plan with the following stipulations:**

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement or a Final Plat shall be reviewed and approved creating two lots as identified on the associated Preliminary Plat;
3. The H Lot shall be recorded at the Register of Deed's Office prior to any construction within that portion of Sunshine Trail;
4. Prior to issuance of a building permit, revisions to the drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the size of the proposed major drainage easement is adequate;
5. Prior to issuance of a building permit, revisions to the water and sewer plans shall be submitted for review and approval;
6. Prior to issuance of a building permit, the utility easement located through the subject property shall be vacated and the overhead electric line relocated as needed or a Major Amendment to the Planned Residential Development shall be submitted for review and approval relocating the church outside of the easement;
7. Prior to issuance of a building permit, the private utility plan shall be revised as necessary;
8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
9. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;
10. The subject property shall be used as a church and an accessory single family residence. Any other use shall require a Major Amendment to the Planned Residential Development;
11. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development;
12. A minimum of 210,084 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

13. A minimum of 216 parking spaces shall be provided with seven handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
14. All Uniform Fire Codes shall be met; and,
15. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

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

20. No. 04PL019 - Calvary Lutheran Church Subdivision

A request by Ferber Engineering Co. for Calvary Lutheran Church to consider an application for a **Layout and Preliminary Plat** on Lots 1 and 2 of Calvary Lutheran Church Subdivision and dedicated public right-of-way for Sunshine Trail and Sheridan Lake Road located in the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard along Sheridan Lake Road.

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

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval, additional drainage information shall be submitted for review and approval demonstrating that the size of the proposed major drainage easement is adequate. In addition, the plat document shall be revised to provide additional drainage easement(s) as needed;
2. Prior to Preliminary Plat approval by the City Council, the construction plans for Sunshine Trail shall be revised to show Sunshine Trail located in a minimum 49 foot wide right-of-way with sidewalks on both sides of the street or a Variance to the Subdivision Regulations shall be obtained. In addition, construction plans for the west 50 feet of Sunshine Trail shall be submitted for review and approval. In particular, the plans shall show Sunshine Trail located in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. A Special Exception is hereby granted to allow curb side sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual;
4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, a Petition to Vacate Right-of-way shall be signed by the adjacent property owners

- for that portion of Sunshine Trail proposed to be vacated;
6. Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall submit written documentation concurring with the proposed Sunshine Trail vacation;
  7. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
  8. Prior to submittal of the Final Plat, the plat document shall be revised to show Sunshine Trail dedicated as "right-of-way";
  9. Prior to submittal of the Final Plat, the plat document shall be revised to show Sheridan Lake Road dedicated this plat as "right-of-way";
  10. Prior to submittal of the Final Plat, the note numbered "2" on the plat document shall be revised to include "except where major drainage easements are located";
  11. Prior to submittal of the Final Plat, the applicant shall obtain approval from the City authorizing the H Lot located along the north side of Sunshine Trail and the H Lot shall be recorded at the Register of Deed's Office or the plat document shall be revised to show the dedication of the additional right-of-way; and,
  12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
21. No. 04SV013 - Calvary Lutheran Church Subdivision  
A request by Ferber Engineering Co. for Calvary Lutheran Church to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of the street and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Calvary Lutheran Church Subdivision and dedicated public right-of-way for Sunshine Trail and Sheridan Lake Road located in the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard along Sheridan Lake Road.
- Planning Commission recommended that the Variance to the Subdivision Regulations to dedicate additional right-of-way be approved and that the Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of the street be approved with the following stipulations:**
1. That a sidewalk be provided along the south side of Sunshine Trail; and,
  2. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvement.
- \*22. No. 04PD011 - Neff's Subdivision #3



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A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the south 200 feet of Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to General Commercial District with the following stipulation:**

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

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

23. No. 04RZ007 - Neff's Subdivision #3

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the south 200 feet of Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with the Planned Development Designation.**

\*26. No. 04PD010 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Major Amendment to a Planned Residential Development to allow a Planned Residential Development - Initial Development Plan for a townhome development** on property described by metes and bounds as beginning from a point at the SW corner of the NW 1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, travel 197.45 feet at a bearing N0°7'16" East, then travel 290.63 feet at a bearing N47°29'05" East, then travel 65.43 feet at a bearing N63°38'15" East, then travel 105.52 feet at a bearing N29°24'44" West, then travel along a 220.48 foot radius LHF curve with a chord bearing N89°50'26" West at a distance of 220.36 feet to the 1/4 Section Line, then travel 55.67 feet at a bearing N0°7'16" East, then travel along a 126.00 foot radius LHF curve with a chord bearing S67°01'56" East, at a distance of 30.39 feet then travel along a 168.48 foot radius RHF curve with a chord bearing N85°33'23" East, at a distance of 190.08 feet, then travel along a 526 foot radius LHF curve with a chord bearing N52°01'54" East, as a distance of 14.93 feet then travel 102.77 feet at a bearing N37°9'18" West, then travel 83.66 feet at a bearing N9°21'07" West, then travel 110.01 feet at a bearing N35°36'28" East, then travel 100.98 feet at a bearing N69°46'53" East, then travel 122.49 feet at a bearing N87°48'19" East, then travel 74.12 feet at a bearing S52°32'1" East, then travel 151.24 feet at a bearing of S73°30'07" East, then travel 68.30 feet at a bearing S30°03'20" East, then travel 91.45 feet at a bearing S59°2'19" East, then travel

87.72 feet at a bearing S53°5'12" East, then travel 126.15 feet at a bearing S19°3'52" East, then travel 213.10 feet at a bearing S0°4'24" East, then travel 437.22 feet at a bearing S45°54'33" West, then travel 550.10 feet at a bearing N89°18'10" West to the point of beginning, said area contains approximately 12.43 acres, more generally described as being located east of Pevans Parkway.

**Planning Commission denied without prejudice the Major Amendment to a Planned Residential Development to allow a Planned Residential Development - Initial Development Plan for a townhome development at the applicant's request.**

***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.***

27. No. 04PL015 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on property described by metes and bounds as beginning at the SW corner of the NW 1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, travel 197.45 feet at a bearing N0°7'16" East, then travel 290.63 feet at a bearing N47°29'05" East, then travel 65.43 feet at a bearing N63°38'15" East, then travel 105.52 feet at a bearing N29°24'44" West, then travel along a 220.48 foot radius LHF curve with a chord bearing N89°50'26" West at a distance of 220.36 feet to the 1/4 Section Line, then travel 55.67 feet at a bearing N0°7'16" East, then travel along a 126.00 foot radius LHF curve with a chord bearing S67°01'56" East, at a distance of 30.39 feet then travel along a 168.48 foot radius RHF curve with a chord bearing N85°33'23" East, at a distance of 190.08 feet, then travel along a 526 foot radius LHF curve with a chord bearing N52°01'54" East, as a distance of 14.93 feet then travel 102.77 feet at a bearing N37°9'18" West, then travel 83.66 feet at a bearing N9°21'07" West, then travel 110.01 feet at a bearing N35°36'28" East, then travel 100.98 feet at a bearing N69°46'53" East, then travel 122.49 feet at a bearing N87°48'19" East, then travel 74.12 feet at a bearing S52°32'1" East, then travel 151.24 feet at a bearing of S73°30'07" East, then travel 68.30 feet at a bearing S30°03'20" East, then travel 91.45 feet at a bearing S59°2'19" East, then travel 87.72 feet at a bearing S53°5'12" East, then travel 126.15 feet at a bearing S19°3'52" East, then travel 213.10 feet at a bearing S0°4'24" East, then travel 437.22 feet at a bearing S45°54'33" West, then travel 550.10 feet at a bearing N89°18'10" West to the point of beginning, said area contains approximately 12.43 acres, more generally described as being located east of Pevans Parkway.

**Planning Commission recommended that the Layout Plat be denied without prejudice at the applicant's request.**

28. No. 04RZ006 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from Low Density Residential I District to Low Density Residential II District** on property described by metes and bounds as beginning at the SW corner of the NW 1/4 of the SE 1/4 of Section 11, T1N, R7E,

BHM, travel 197.45 feet at a bearing N0°7'16" East, then travel 290.63 feet at a bearing N47°29'05" East, then travel 65.43 feet at a bearing N63°38'15" East, then travel 105.52 feet at a bearing N29°24'44" West, then travel along a 220.48 foot radius LHF curve with a chord bearing N89°50'26" West at a distance of 220.36 feet to the 1/4 Section Line, then travel 55.67 feet at a bearing N0°7'16" East, then travel along a 126.00 foot radius LHF curve with a chord bearing S67°01'56" East, at a distance of 30.39 feet then travel along a 168.48 foot radius RHF curve with a chord bearing N85°33'23" East, at a distance of 190.08 feet, then travel along a 526 foot radius LHF curve with a chord bearing N52°01'54" East, as a distance of 14.93 feet then travel 102.77 feet at a bearing N37°9'18" West, then travel 83.66 feet at a bearing N9°21'07" West, then travel 110.01 feet at a bearing N35°36'28" East, then travel 100.98 feet at a bearing N69°46'53" East, then travel 122.49 feet at a bearing N87°48'19" East, then travel 74.12 feet at a bearing S52°32'1" East, then travel 151.24 feet at a bearing of S73°30'07" East, then travel 68.30 feet at a bearing S30°03'20" East, then travel 91.45 feet at a bearing S59°2'19" East, then travel 87.72 feet at a bearing S53°5'12" East, then travel 126.15 feet at a bearing S19°3'52" East, then travel 213.10 feet at a bearing S0°4'24" East, then travel 437.22 feet at a bearing S45°54'33" West, then travel 550.10 feet at a bearing N89°18'10" West to the point of beginning, said area contains approximately 12.43 acres, more generally described as being located east of Pevans Parkway.

**Planning Commission recommended that the Rezoning from Low Density Residential I District to Low Density Residential II District be denied without prejudice at the applicant's request.**

29. No. 04CA002 - Mediterranean Subdivision

A request by Stanley & Durr LLC dba Fjords Ice Cream Factory to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial be approved in conjunction with the associated Planned Development Designation request.**

\*30. No. 04PD012 - Mediterranean Subdivision

A request by Stanley & Durr LLC dba Fjords Ice Cream Factory to consider an application for a **Planned Development Designation** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

**Planning Commission approved the Planned Development Designation with the condition that no sign permits or billboards be allowed unless approved as part of a Final Development Plan.**

***The Rapid City Planning Commission's action on 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.***

31. No. 04RZ002 - Mediterranean Subdivision

A request by Stanley & Durr LLC dba Fjords Ice Cream Factory to consider an application for a **Rezoning from Medium Density Residential District to Neighborhood Commercial District** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

**Planning Commission recommended that the Rezoning from Medium Density Residential District to Neighborhood Commercial District be approved in conjunction with the associated Planned Development Designation and Comprehensive Plan Amendment request.**

\*32. No. 04PD013 - Sale Barn Subdivision

A request by Renner & Associates for Barry Peterson to consider an application for a **Major Amendment to a Planned Light Industrial Development - Initial Development Plan** on Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Kennel Drive along Centre Street.

**Planning Commission approved the Major Amendment to a Planned Light Industrial Development - Initial Development Plan with the following stipulations:**

1. **A Final Plat shall be approved prior to or in conjunction with a Final Planned Light Industrial Development;**
2. **Upon submittal of a Final Planned Light Industrial Development, a landscaping plan shall be submitted for review and approval;**
3. **Upon submittal of a Final Planned Light Industrial Development, a sign package shall be submitted for review and approval;**
4. **Upon submittal of a Final Planned Light Industrial Residential Development, structural elevations a list of the building materials for any existing and/or proposed structural development shall be submitted for review and approval;**
5. **Upon submittal of a Final Planned Light Industrial Development, a lighting package shall be submitted for review and approval;**
6. **Upon submittal of a Final Planned Light Industrial Development, a parking plan shall be submitted for review and approval. In particular, the parking plan shall conform to Chapter 17.50.270 or the Rapid City Municipal Code;**
7. **Upon submittal of the Final Planned Light Industrial Development, fence elevations and/or a landscaping plan to create an obscuring**

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- seven foot high screen around any outdoor storage of lumber shall be submittal for review and approval;
7. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
  8. All Uniform Fire Codes shall be met; and,
  9. Prior to issuance of a building permit for each lot, a detailed grading plan shall be submitted for review and approval.

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

33. No. 04PL016 - Sale Barn Subdivision

A request by Renner & Associates for Barry Peterson to consider an application for a **Preliminary Plat** on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Kennel Drive along Centre Street.

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

1. Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval. In particular, the utility plan shall show the location of the existing water and sewer lines as well as the proposed separate service lines to each lot. In addition, the utility plan shall show the location of private utilities;
2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall be in accordance with the Perrine Drainage Basin Design Plan. In addition, the drainage plan shall include the calculated local run-off and verify that the east drainage channel matches the requirements of the Perrine Drainage Basin Design Plan. The drainage plans shall also identify the construction of drainage channel(s) as needed and the plat document shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for Centre Street shall be submitted for review and approval. In particular, the road construction plans shall show Centre Street with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and storm sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
5. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Centre Street except for the approved shared approach location; and,



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6. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

34. No. 04SV010 - Sale Barn Subdivision

A request by Renner & Associates for Barry Peterson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Kennel Drive along Centre Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer be approved with the following stipulation:**

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

\*35. No. 04PD007 - Elks Country Estates

A request by Dennis Zandstra for Elks County Estates to consider an application for a **Major Amendment to a Planned Residential Development to allow for a reduced front yard setback from 25 feet to 18 feet** on Lot 7 of Block 8 of Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Hazeltine Court.

**Planning Commission approved the Major Amendment to a Planned Residential Development to allow for a reduced front yard setback from 25 feet to 18 feet be approved with the following stipulations:**

1. **That phasing of the proposed development be reviewed with the submission of each proposed Preliminary Plat;**
2. **That the specific development plans be reviewed and approved in conjunction with the submission of each proposed Preliminary Plat;**
3. **That all development meet the setback, height, area and density requirements specified on the approved plan or, if not specified, the standard requirements of the Zoning Ordinance; and,**
4. **That any amendment to the approved plan be reviewed and approved under the appropriate minimal or major amendment procedure for a Planned Residential Development.**

***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.***

\*36. No. 04PD017 - Autumn Hills Plaza Subdivision



A request by TSP Three, Inc. for Security First Bank to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 3 and 4 of Autumn Hills Plaza Subdivision in the W1/2 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Sheridan Lake Road and Catron Boulevard.

**Planning Commission approved the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:**

1. Prior to Planning Commission approval, a revised site plan must be submitted showing the access aisles for the west and south parking areas as 26 feet in width;
2. Prior to Planning Commission approval, a revised landscape plan must be submitted showing additional trees provided along Sheridan Lake Road to provide a screening buffer between the parking stalls located on the west side of the building and the residential properties located to the west of Sheridan Lake Road;
3. Prior to Planning Commission approval, a sign package must be submitted showing the copy of on site monument signs;
4. Prior to the construction of any signs on the property, a Sign Permit must be obtained;
5. Prior to the construction of any signs on the property, an Electrical Permit must be obtained;
6. All Uniform Fire Codes shall be continually met;
7. Prior to Planning Commission approval, revised construction plans must be submitted addressing the redline comments by Staff;
8. Prior to Planning Commission approval building elevation plans must be submitted for review;
9. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
10. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
11. A minimum of 12,795 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced, in accordance with the approved site plan, as necessary;
12. Prior to Planning Commission approval a revised landscape plan must be submitted showing additional trees provided along Sheridan Lake Road to provide a screening buffer between the parking stalls located on the west side of the building and the residential properties located to the west of Sheridan Lake Road;
13. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

***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.***

37. No. 04RZ003 - Cambell Square Addition

A request by Kennedy Design Group for the Fraternal Order of Eagles to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lot 10 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

**Planning Commission recommended that the Rezoning from Light Industrial District to General Commercial District be approved.**

38. No. 04AN001 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** in the SW1/4 NE1/4 and SE1/4 NE1/4 less that 33 foot strip of land located in the SE1/4 NE1/4 lying within the Rapid City Corporate Boundary, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Bunker Drive.

**Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire District.**

39. No. 04CA004 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 40.12 acre parcel from Park Forest to Low Density Residential with a Planned Residential Development** in the SE1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Bunker Drive.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 40.12 acre parcel from Park Forest to Low Density Residential with a Planned Residential Development be approved.**

\*40. No. 04PD009 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** in the SW1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Bunker Drive.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to Low Density Residential District, rezoning from No Use District to Park Forest District, and the related Amendment to the Comprehensive Plan to change the land use from Park Forest to Low Density Residential**

with a Planned Residential 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.*

42. No. 04RZ004 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** in the SE1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Bunker Drive.

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

43. No. 04RZ005 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Park Forest District** in the SW1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Bunker Drive.

**Planning Commission recommended that the Rezoning from No Use District to Park Forest District be approved in conjunction with the Planned Development Designation.**

44. No. 04SV009 - Rainbow Ridge 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, street light conduit and sidewalk on one side of the street and to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Bunker Drive.

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk on one side of the street and to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

1. That curb, gutter and sidewalk be provided along one side of the streets as shown on the Preliminary Plat;

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2. The lot approaches along the side of the streets without curb and gutter shall be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located.;
3. Erosion control measures shall be provided in the ditches as needed;
4. Prior to Preliminary Plat approval by the City Council, the street section shall be revised to provide a minimum separation between the back of the curb and the sidewalk of five feet; and,
5. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

45. No. 04AN002 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** in the W1/2 SW1/4 and SE1/4 SW1/4 all located in Section 22, T2N, R8E, BHM, Pennington County, South Dakota; E1/2 SE1/4 SE1/4 of Section 21, T2N, R8E, BHM, Pennington County, South Dakota; and the 66 foot section line right-of-way lying between the SE1/4 of Section 21 and the SW1/4 of Section 22, all located in T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Box Elder Fire District or the North Haines Fire District.**

46. No. 04PL020 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

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

1. Prior to Preliminary Plat approval by the City Council, a revised floodplain analysis must be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, a revised grading and drainage plan shall be submitted for review and approval. In particular, the grading and drainage plan shall incorporate the data from the revised floodplain analysis. In addition, the plat shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to the adjacent properties;

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4. Prior to Preliminary Plat approval by the City Council, revised construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the construction plans shall include the installation of curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
  5. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised reducing the size of the sewer taps to the west from 24 inches to eight inches with the exception of the sewer main stubbed to the west located at manhole #11;
  6. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
  7. Prior to Preliminary Plat approval by the City Council, a revised subdivision cost estimate shall be submitted for review and approval;
  8. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the proposed sewer line extending through USA Tract D does not interfere with the location and/or depth of the existing water line. In addition, a sewer and water easement shall be obtained from Ellsworth Air Force Base;
  9. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits;
  10. Prior to any wetland disturbance, a 404 Permit shall be obtained from the Corp of Engineers;
  11. All Uniform Fire Code shall be continually met;
  12. Upon submittal of the Final Plat, the plat document shall be revised to include right-of way for the off-site water and sewer improvements or H Lots shall be approved;
  13. Upon submittal of the Final Plat, the plat title shall be revised to include "Elk Vale Park"; and,
  14. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
47. No. 04SV014 - Elk Vale Park  
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, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16**

of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the extension of sewer stubs to the west side of the Elk Vale Road right-of-way; and,
2. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

48. No. 04CA005 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.295 acre parcel from General Agriculture to General Commercial with a Planned Commercial Development** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet to the true point of beginning; thence N00°02'25"E, 499.64 feet; thence S89°57'35"E, 200.00 feet; thence S00°02'25"W, 500.20 feet; thence N89°47'57"W, 200.00 feet to the true point of beginning containing 2.295 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 2.295 acre parcel from General Agriculture to General Commercial with a Planned Commercial Development be approved.**

\*49. No. 04PD014 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet to the true point of beginning; thence N00°02'25"E, 499.64 feet; thence S89°57'35"E, 200.00 feet; thence S00°02'25"W, 500.20 feet; thence N89°47'57"W, 200.00 feet to the true point of beginning containing 2.295 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to General Commercial District, and the related Amendment to the Comprehensive Plan to change the land use from General Agriculture 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.***

50. No. 04RZ008 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet to the true point of beginning; thence N00°02'25"E, 499.64 feet; thence S89°57'35"E, 200.00 feet; thence S00°02'25"W, 500.20 feet; thence N89°47'57"W, 200.00 feet to the true point of beginning containing 2.295 acres more or less, more generally described as being located along North Elk Vale Road.

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

51. No. 04CA006 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 10.390 acre parcel from General Agriculture to Light Industrial with a Planned Light Industrial Development** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 1866.33 feet to the true point of beginning; thence N00°02'25"E, 241.99 feet; thence S88°49'19"E, 1275.54 feet; thence S00°01'44"W, 762.36 feet; thence N89°48'10"W, 44.10 feet; thence N39°12'45"W, 503.01 feet; thence N63°34'43"W, 352.18 feet; thence N90°00'00"W, 597.56 feet to the true point of beginning containing 10.390 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 10.390 acre parcel from General Agriculture to Light Industrial with a Planned Light Industrial Development be approved.**

\*52. No. 04PD015 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 1866.33 feet to the true point of beginning; thence N00°02'25"E, 241.99 feet; thence S88°49'19"E, 1275.54 feet; thence S00°01'44"W, 762.36 feet; thence N89°48'10"W, 44.10 feet; thence N39°12'45"W, 503.01 feet; thence N63°34'43"W, 352.18 feet; thence N90°00'00"W, 597.56 feet to the true point of beginning containing 10.390 acres

more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to Light Industrial District, and the related Amendment to the Comprehensive Plan to change the land use from General Agriculture to Light Industrial with a Planned Light Industrial 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.***

54. No. 04CA007 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Public** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Public be denied without prejudice.**

55. No. 04RZ010 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Public District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet;

thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Public District be denied without prejudice.**

58. No. 04CA009 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 64.333 acre parcel from General Agriculture to Mobile Home Residential with a Planned Residential Development** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 499.64 feet to the true point of beginning; thence N00°02'25"E, 1266.69 feet; thence N90°00'00"E, 574.15 feet; thence S63°34'43"E, 307.11 feet; thence S39°12'45"E, 528.68 feet; thence S89°56'14"E, 603.08 feet; thence S00°00'00"W, 356.31 feet; thence N90°00'00"E, 425.33 feet; thence S00°00'00"W, 612.50 feet; thence S90°00'00"W, 650.55 feet; thence S00°12'03"W, 256.06 feet; thence N89°47'57"W, 285.93 feet; thence N89°47'57"W, 1075.70 feet; thence N00°02'25"E, 500.20 feet; thence N89°57'35"W, 200.00 feet to the point of beginning containing 64.333 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 64.333 acre parcel from General Agriculture to Mobile Home Residential with a Planned Residential Development be approved.**

\*59. No. 04PD016 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 499.64 feet to the true point of beginning; thence N00°02'25"E, 1266.69 feet; thence N90°00'00"E, 574.15 feet; thence S63°34'43"E, 307.11 feet; thence S39°12'45"E, 528.68 feet; thence S89°56'14"E, 603.08 feet; thence S00°00'00"W, 356.31 feet; thence N90°00'00"E, 425.33 feet; thence S00°00'00"W, 612.50 feet; thence S90°00'00"W, 650.55 feet; thence S00°12'03"W, 256.06 feet; thence N89°47'57"W, 285.93 feet; thence N89°47'57"W, 1075.70 feet; thence N00°02'25"E, 500.20 feet; thence N89°57'35"W, 200.00 feet to the point of

beginning containing 64.333 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to Mobile Home Residential District and the related Amendment to the Comprehensive Plan to change the land use from General Agriculture to Mobile Home Residential with a Planned Residential 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.***

60. No. 04RZ012 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 499.64 feet to the true point of beginning; thence N00°02'25"E, 1266.69 feet; thence N90°00'00"E, 574.15 feet; thence S63°34'43"E, 307.11 feet; thence S39°12'45"E, 528.68 feet; thence S89°56'14"E, 603.08 feet; thence S00°00'00"W, 356.31 feet; thence N90°00'00"E, 425.33 feet; thence S00°00'00"W, 612.50 feet; thence S90°00'00"W, 650.55 feet; thence S00°12'03"W, 256.06 feet; thence N89°47'57"W, 285.93 feet; thence N89°47'57"W, 1075.70 feet; thence N00°02'25"E, 500.20 feet; thence N89°57'35"W, 200.00 feet to the point of beginning containing 64.333 acres more or less, more generally described as being located along North Elk Vale Road.

**Planning Commission recommended that the Rezoning from no Use District to Mobile Home Residential District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.**

\*61. No. 03UR013 - Century 21 Subdivision

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

**Planning Commission continued the public hearing on the Conditional Use Permit to allow billboards to the April 22, 2004 Planning Commission meeting to allow the applicant to provide further information and a revised site plan.**

63. 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 acknowledged the applicant's request to withdraw the application for a Vacation of Right-of-Way.**

\*64. No. 04UR002 - Madison's Subdivision

A request by TSP Three, Inc. for Atonement Lutheran Church to consider an application for a **Conditional Use Permit to allow a church in Medium Density Residential District** on Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4711 Haines Avenue.

**Planning Commission approved the Conditional Use Permit to allow a church in Medium Density Residential District with the following stipulations:**

1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
2. Prior to issuance of a Building Permit, calculations for the flows discharged must be submitted for review and approval;
3. Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and fire alarm system;
4. Prior to initiation of construction, two hydrants, with one located on-site, must be provided;
5. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Lot 5 of Madison's Subdivision and Outlot's A and C of Auburn Hills Subdivision together, or the properties must be platted into one lot;
6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
7. The proposed structure shall conform architecturally to the plans and elevations submitted;
8. A minimum of 144,161 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

***The Rapid City Planning Commission's action on this item is final unless***



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***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.***

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

Fisher requested that Items 13 and 14 be considered concurrently.

13. No. 04PL012 - Pinewood Estates

A request by Gregory and Bonnie Josten to consider an application for a **Layout Plat** on Lots 34 and 35 of Pinewood Estates, E1/2, NE1/4, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3343 and 3341 Pinewood Drive.

14. No. 04SV008 - Pinewood Estates

A request by Gregory and Bonnie Josten to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 34 and 35 of Pinewood Estates, E1/2, NE1/4, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3343 and 3341 Pinewood Drive.

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

Gregory Josten, applicant, expressed his concerns with the stipulation requiring him to dedicate an additional 17 feet of right-of-way along Dunsmore Road, provide percolation information and identify an alternate drainfield area upon submittal of a building permit. He added that his neighbors are unwilling to provide an additional 17 feet of right-of-way along Dunsmore Road and are in the process of selling their home. He also expressed his concern with the cost of the subdivision improvements.

Discussion followed concerning surety and subdivision inspection fees, identification of an alternate drainfield area, the street classification of Dunsmore Road, subdivision improvements, the cost to move the storage shed rather than relocating the property line and a waiver of right to protest any future assessments for improvements.

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

1. **Upon submittal of a Preliminary Plat, road construction plans for Pinewood Drive shall be submitted for review and approval. In particular, the construction plans shall show Pinewood Drive located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**



2. Upon submittal of a Preliminary Plat, road construction plans for Dunsmore Road shall be submitted for review and approval. In particular, the road construction plans shall show Dunsmore Road located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along Dunsmore Road;
  3. Upon submittal of a Preliminary Plat, percolation information prepared by a Professional Engineer shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system;
  4. Prior to submittal of a Final Plat, all of the affected utility companies shall submit written documentation concurring with the proposed relocated common lot line or the plat document shall be revised retaining a utility easement as needed;
  5. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  6. Upon submittal of a Preliminary Plat, a site plan showing all structural improvements, including lot lines, dimensions, approach location, adjacent right-of-way widths and setbacks shall be submitted for review and approval;
  7. Upon submittal of the Preliminary Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit";
  8. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,  
that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement be approved with the following stipulations:
    1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,
    2. Prior to Preliminary Plat approval, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along Dunsmore Road as it abuts the subject property. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)
16. No. 04SV011 - Enchanted Hills Subdivision No. 4 and Eastridge Estates 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 and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 15BR and 23RA of Enchanted Hills Subdivision No. 4 located in

the S1/2 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1R, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lots 15B and 23R of Enchanted Hills Subdivision No.4 located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot 1, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the extension of Enchantment Road.

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation. Fisher explained that there would be a 70-foot section of discontinuous non-standard road.

Discussion followed concerning the previous developer's responsibilities and completion of the road improvements.

Jeff Uecker, 347 Enchantment Road, expressed concerns with completion of Enchantment Road and asked the Planning Commission to require the developer to install curb, gutter and pavement along Enchantment Road.

**Nash moved, seconded by Henning and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and pavement be approved. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

**Nash moved, seconded by Brown and unanimously carried to request that the City Council complete the improvements on Enchantment Road. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Schmidt requested that Items 24 and 25 be considered concurrently.

\*24. No. 04PD008 - Laws Subdivision

A request by Lund Associates, LTD., for EOS Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 5 and 6 and the S1/2 of Lot 4R less Greenway Tract #11, Laws Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 600 Dakota Drive.

25. No. 04SR011 - Laws Subdivision

A request by Lund Associates, LTD., for EOS Properties, LLC to consider an application for an **11-6-19 SDCL Review to allow grading and installation of a temporary silt fence on public property** on Tract 11, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 600 Dakota Drive.

Schmidt advised that he removed this item from the Hearing Consent agenda to

allow him to abstain from voting.

**Brannan moved, seconded by Wevik and unanimously carried to recommend that the 11-6-19 SDCL Review to allow grading and installation of a temporary silt fence on public property be approved with the following stipulations:**

- 1. No portion of the proposed fence can be located within the floodway;**
- 2. Restoration of all disturbed areas, including topsoil placement, seeding, fertilizing, and mulching must be performed ;**
- 3. The silt fence must be removed when the restoration is complete and the grass is established; and**

**approve the Planned Commercial Development - Initial and Final Development Plat with the following stipulations:**

- 1. Prior to issuance of a Building Permit, a revised site plan must be submitted showing the building being either a minimum of 10 feet from the north and east property lines, or the windows located in the north and east walls of the building fire rated at 45 minutes, or documentation of a no build easement on the adjacent properties along the north and east property lines in compliance with the Uniform Building Code;**
- 2. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 3. A minimum of 12,795 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. Prior to issuance of a Building Permit, calculations for the retaining wall must be provided including the effects of the existing retaining wall on the adjacent McDonald's property;**
- 5. All signs located on the property must be in accordance with those shown in the sign package;**
- 6. Prior to the construction of any signs on the property, a Sign Permit must be obtained;**
- 7. Prior to the construction of any signs on the property, an Electrical Permit must be obtained;**
- 8. Prior to issuance of a Building Permit, the site plan must be revised to show no grading on City's property, or the applicant must enter into an agreement with the City of Rapid City to grade on City Property;**
- 9. Prior to issuance of a Building Permit, the applicant must verify storm water discharge across the bike path located to the east of the subject property;**
- 10. Prior to issuance of a Building Permit, the applicant must take measures to prevent the discharge of local storm water directly on the adjacent City Property located to the east of the subject property;**
- 11. All Uniform Fire Codes shall be continually met;**
- 12. The private driveway shall be posted with a "No Parking" sign at all times;**
- 13. A Special Exception is hereby granted to reduce the driveway separation from the required 35 feet to 10 feet as per the Street**

**Design Criteria Manual;**

14. **A Special Exception is hereby granted to allow backing into the right-of-way in lieu of entering the right-of-way in a forward movement as per the Zoning Ordinance;**
15. **Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
16. **A minimum rear yard setback of zero feet along the southern 85 feet of the rear lot line shall be allowed;**
17. **The proposed structure shall conform architecturally to the plans and elevations submitted; and,**
18. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone 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.***

41. No. 04PL014 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Bunker Drive.

Fisher presented the request and reviewed staff's recommendation. She added that the applicant has expressed topographic concerns and as such, staff has revised Stipulation #8 to read: "Upon submittal of a Preliminary Plat, the plat document shall be revised to provide street connections to the properties located north and west of the subject property as needed."

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

1. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
3. **Upon submittal of a Preliminary Plat application, 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 or a Variance to the Subdivision**

- Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that agreements necessary to assure wastewater connection fees for upgrades, improvements or replacement to the sanitary sewer lift station serving this area, are in effect and that the appropriate fees shall be paid;**
  - 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water main to be located along the east lot line of the subject property shall be constructed as a 14 inch diameter water main per the City's Northeast Area Analysis completed in July, 2002;**
  - 6. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the design and construction of a booster station or reservoir in order to provide water service to that portion of the subject property located at or above 3,450 foot elevation;**
  - 7. Upon submittal of a Preliminary Plat application, road construction plans for the interior streets shall be submitted for review and approval. In particular, the three cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained. The balance of the interior streets shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  - 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide street connections to the properties located north and west of the subject property as needed;**
  - 9. Upon submittal of a Preliminary Plat, the plat document shall include the right-of-way for the two streets located within the CHMH Subdivision and the construction plans shall include the off-site street improvements or the two streets shall be dedicated as right-of-way and constructed as a part of a separate plat action;**
  - 10. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits;**
  - 11. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;**
  - 12. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and**

approval;

13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
14. Prior to submittal of a Final Plat, 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;
15. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

53. No. 04RZ009 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Light Industrial District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 1866.33 feet to the true point of beginning; thence N00°02'25"E, 241.99 feet; thence S88°49'19"E, 1275.54 feet; thence S00°01'44"W, 762.36 feet; thence N89°48'10"W, 44.10 feet; thence N39°12'45"W, 503.01 feet; thence N63°34'43"W, 352.18 feet; thence N90°00'00"W, 597.56 feet to the true point of beginning containing 10.390 acres more or less, more generally described as being located along North Elk Vale Road.

Elkins distributed a letter prepared by Judy Caron and signed by adjacent property owners who oppose the rezoning request.

Bulman presented the request and reviewed the slides of the subject property and staff's recommendation.

Judy Caron, 4498 Country Road, reviewed her concerns outlined in the letter that she and her neighbors prepared for Planning Commission review. She asked that the Planning Commission deny the rezoning from No Use District to Light Industrial District.

Discussion followed concerning allowable uses in Light Industrial Zoning District.

Virgil Roskam, 3200 Elk Vale Road, stated that he opposed the rezoning from No Use District to Light Industrial District and the placement of mini storage units on the property.



Brenda Degan-Whiting expressed concerns with building in the floodplain, drainage and lighting in the area.

Hani Shafi, Dream Design International, reviewed the applicant's requests. He explained that the applicant plans to submit an application for a Planned Commercial Development on the subject property and added that when that application is submitted, the applicant would provide additional information regarding lighting, access and road connections. He explained that the neighboring property owners would have another opportunity to comment on any outstanding issues.

Todd McPherson expressed his concerns with spot zoning and building within the flood plain.

In response to a question by McPherson, Fisher explained that the subject property is in the 100 year federally designated flood plain and added that there is floodway within the 100-year flood plain. She stated that the applicant is aware that a flood analysis must be submitted, reviewed and approved by the Federal Emergency Management Agency (FEMA) as well as staff members in order for development to occur on the property.

Discussion followed concerning the Northeast Neighborhood Area Future Land Use map and the need for transitioning zoning.

In response to a question by Brannan, Elkins advised that if the Department of Corrections purchases this property in the future, they would be subject to an 11-6-19 SDCL Review process, which would be brought before the Planning Commission for review. She explained that if the Planning Commission finds that the proposed use is compatible with the land use plans and the Rapid City Comprehensive Plan, the project is then approved. She added that should the Planning Commission find that the proposed land use is not compatible with the land use plan and denies the request; the state has the right to overrule the action of the Planning Commission.

Discussion followed concerning notification of area property owners should the Department of Corrections submit an 11-6-19 SDCL Review to allow construction of minimum-security facility and the applicant's plans to construct mini storage units on the subject property.

**Stone moved and seconded by Henning to recommend that the Rezoning from No Use District to Light Industrial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.**

Discussion followed.

Darwin Wilgar, Department of Corrections, stated that he respects the landowners input and encouraged them to contact the Department of Corrections to address their concerns.

Kooiker requested that Wilgar address the concerns outlined in Caron's letter and provide copies of that response to the Planning Commission and the City Council.

Discussion followed concerning the notification process for 11-6-19 SDCL Reviews.

Hoffmann suggested that the motion maker, Stone, also direct staff to notify area property owners within 250 feet of the subject property and to also notify the property owners listed on the letter prepared by Caron should the Department of Corrections submit an application for an 11-6-19 SDCL Review to allow for the construction of a minimum security facility.

Stone and Henning concurred with directing staff to notify area property owners within 250 feet of the subject property and also notify the property owners listed on the letter prepared by Caron should the Department of Corrections submit an application for an 11-6-19 SDCL Review to allow for the construction of a minimum-security facility.

**Brown called the question. The vote on calling the question carried. (8 to 1 with Brannan, Brown, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and Hoffmann voting no)**

**The vote on the motion unanimously carried to recommend that the Rezoning from No Use District to Light Industrial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment. (9 to 0 with Brannan, Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Bulman requested that Items 56 and 57 be considered concurrently.

56. No. 04CA008 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 2108.32 feet to the true point of beginning; thence N00°02'25"E, 539.93 feet to a point lying on the north line of said SW1/4; thence N89°48'23"E, along said north line, 1275.18 feet; thence departing said north line S00°01'44"W, 561.85 feet; thence N88°49'19"W, 1275.54 feet; to the point of beginning containing 16.127 acres more or less, more generally described as being located along North Elk Vale Road.

57. No. 04RZ011 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Public District** on a parcel of land located in

the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 2108.32 feet to the true point of beginning; thence N00°02'25"E, 539.93 feet to a point lying on the north line of said SW1/4; thence N89°48'23"E, along said north line, 1275.18 feet; thence departing said north line S00°01'44"W, 561.85 feet; thence N88°49'19"W, 1275.54 feet; to the point of beginning containing 16.127 acres more or less, more generally described as being located along North Elk Vale Road.

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

Brenda Degan-Whiting stated that the subject property is adjacent to her property and she opposes the rezoning from No Use District to Public District.

Discussion followed concerning the mix of uses allowed in Public District.

Virgil Roskam stated that he opposes the rezoning from No Use District to Public District.

Discussion followed concerning Public Zoning Districts, other potential sites for minimum-security facilities and notification of area property owners.

In response to a question by Hoffmann, Elkins explained that stipulations of approval could not be placed on Comprehensive Plan Amendments or Rezoning requests. Elkins stated that the separate motion in Item 53 to direct staff to notify area property owners within 250 feet of the subject property and to also notify the property owners listed on the letter prepared by Caron should the Department of Corrections submit an application for an 11-6-19 SDCL Review to allow construction of a minimum security facility would apply to this area also.

Nash stated that in his opinion the Future Land Use Plan Committee has worked diligently to guide the orderly growth of the community and supports the Future Land Use Committee's recommendation to approve the Amendment to the Comprehensive Plan to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public and the Rezoning from No Use District to Public District.

Brannan left the meeting at this time.

**Nash moved and seconded by Stone to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public be approved and that the Rezoning from No Use District to Public District be approved in conjunction with the related Comprehensive Plan Amendment.**

Wevik concurred with Nash. He added that the placement of minimum-security facilities will remain an issue and added that in his opinion this item should be addressed by the City Council.

Prairie Chicken concurred with Wevik.

Judy Caron stated that in her opinion there is no need for a Public Zoning District in this area.

Shannon Tibbetts, 3190 Country Road, stated that he does not support the Future Land Use Committee's proposed Light Industrial Districts and Mobile Home Residential Districts for this area.

**The vote on the motion to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public be approved and that the Rezoning from No Use District to Public District be approved in conjunction with the related Comprehensive Plan Amendment. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

\*62. 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.

Fisher advised that the applicant has indicated that they will be able to submit the required information prior to the April 22, 2004 Planning Commission meeting and as such staff is recommending that the Conditional Use Permit be continued to the April 8, 2004 Planning Commission meeting.

**Stone moved, seconded by Schmidt and unanimously carried to continue the public hearing on the Conditional Use Permit to allow a church in a High Density Residential Zoning District to the April 8, 2004 Planning Commission meeting. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

\*65. No. 04UR003 - Section 8, T1N, R7E

A request by Peter Anderson for MAC Construction for Blessed Sacrament Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow expansion of an existing church** on Tract A less Lot 1 of Tract A, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4500 Jackson Blvd.

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

John Skulborstad, 4600 Jackson Boulevard, stated that he is opposed to the location of the driveway approach adjacent to his property.

Lengthy discussion followed concerning aligning the access at the southwest end the property with Chapel Lane and when the reconstruction of Chapel Lane will occur.

Jerry Wright, Blessed Sacrament Building Committee, expressed concerns with rising building costs and construction delays. He stated that in his opinion the driveway approach should be designed at a 90 degree angle. He asked the Planning Commission to approve the Major Amendment to a Conditional Use Permit to allow expansion of an existing church with the understanding that the driveway approach will be redesigned and moved from what is indicated on the site plan.

Elkins stated that previous discussions between the applicant and staff indicated that the grades could not be met with the eastern approach location. Elkins suggested that this item be continued to allow the applicant to revise the site plan and show what they intend to develop and allow the applicant's consultant to further evaluate the resulting grades.

Peter Anderson, MAC Construction, requested that the Planning Commission allow the applicant to proceed with the building project and continue the design of the roadway.

Elkins stated that an option would be to continue a portion of the application or alternatively stipulate that the new approach location could be approved by staff if the applicant could document that adequate grades and landing areas were provided. She noted that this item would not be reviewed by City Council.

Wright stated that the Parish is committed to constructing the approach in a proper way and in a good engineering manner.

Schmidt stated that he supports a continuance to allow adjacent property owners an opportunity to discuss this matter.

Discussion followed.

Elkins suggested an additional stipulation that prior to the issuance of a building permit, the applicant shall submit a revised design plan showing the driveway on the western end of the property coming directly into the parking area. She also suggested that the Planning Commission authorize staff to approve the revised design plan.

Stone stated that he supports a continuance so that the applicant can complete the engineering design plan for the approach.

Wevik concurred with Stone and stated that in his opinion there are several issues that still need to be addressed concerning access.

**Wevik moved and seconded by Stone to continue the public hearing on the Major Amendment to a Conditional Use Permit to allow expansion of an**

**existing church to the April 8, 2004 Planning Commission meeting.**

In response to a question by Schmidt, Elkins suggested revising stipulation #4 to read that prior to issuance of a Certificate of Occupancy, a Major Amendment to the Conditional Use Permit shall be approved identifying the location of the most western approach.

Peter Anderson, MAC Construction, stated that the applicant would support revising stipulation #4.

Gary Munson, Chairman of the Board for Chapel in the Hills, expressed concerns with stipulation #2 which requires existing nonconforming billboards to be removed.

Discussion followed concerning eliminating stipulation #2, billboards and tourism.

In response to a question by Nash, Fisher stated that Chapel Lane reconstruction is programmed for 2005 but could be moved up to 2004.

Discussion followed concerning a waiver of right to protest, signage and access.

In response to a questions by Brown, Elkins stated that she believes that the billboard issue can be resolved. She explained that there may be some visitor signing in the right-of-way available for the Chapel in the Hills similar to that utilized for the Journey Museum.

**Wevik withdrew his motion to continue the public hearing on the Major Amendment to a Conditional Use Permit to allow expansion of an existing church to the April 8, 2004 Planning Commission meeting.**

**Wevik moved and seconded by Stone to recommend that the Major Amendment to a Conditional Use Permit to allow expansion of an existing church be approved with the following stipulations:**

1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
2. Prior to issuance of a Building Permit a drainage plan must be submitted;
3. Prior to issuance of a Certificate of Occupancy, a Major Amendment to the Conditional Use Permit shall be approved identifying the location of the most western approach with Chapel Lane; and, that the access to the southwest end of the property needs to align with Chapel Lane when the City reconstructs Chapel Lane or within two years, whichever occurs first;
4. The curb cuts located farthest east and west shall be utilized for both ingress and egress. The curb cut located directly in front of the church shall be utilized for egress only and the fourth curb cut shall be utilized for ingress only;
5. Prior to issuance of a Building Permit, the fire lane layout must be



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- designated on the site plan and the ending point for the proposed fire lane located on the east side of the building must be confirmed;
6. Prior to issuance of a Building Permit, fire sprinkler plans must be submitted and approved by the Rapid City Fire Department;
  7. The proposed structure shall conform architecturally to the plans and elevations submitted;
  8. All applicable life, safety, building and fire codes shall be continually met;
  9. All requirements of the Off-Street Parking and Landscape Ordinance shall be met;
  10. The petitioner shall provide handicapped-accessible sidewalk ramps where the existing driveways intersect the public sidewalk;
  11. The Major Amendment to the Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;
  12. The Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning director shall require an amendment to this Use on Review; and,
  13. The Major Amendment to the Conditional Use Permit shall be reviewed three years from the date of approval to insure compliance with the stipulations of approval. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone 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.*

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 66 thru 68 be considered concurrently.

\*66. No. 04PD018 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Major Amendment to a Planned Residential Development to allow townhomes** on a tract of land located within the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence,

southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or

less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed

in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

67. No. 04PL023 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills P.R.D., and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills P.R.D. all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

68. No. 04SV016 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Variance to the Subdivision Regulations to**

**waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located within the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) of Township One North (T1N.), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW  $\frac{1}{4}$ ) of the Southwest One Quarter



(SW ¼) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge



of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

Fisher stated that the applicant has requested that Items 66 thru 68 be continued to the April 8, 2004 Planning Commission meeting and as such that would be staff's recommendation.

Nash moved, seconded by Schmidt and unanimously carried to continue the public hearing on the Major Amendment to a Planned Residential Development to allow townhomes, the Preliminary Plat and Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way to the April 8, 2004 Planning Commission meeting at the applicant's request. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

69. No. 04SR006 - Rapid Valley Subdivision

A request by Dave Olson for Sidney and Jenifer Nachtigall to consider an application for an **11-6-19 SDCL Review to allow construction of a driveway in public right-of-way** on the right-of-way located west of Lot 12, Block 6, Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2501 E. St. Francis Street.

Fisher presented the request and reviewed staff's recommendation.

Stone left the meeting at this time.

Nash moved, seconded by Brown and unanimously carried to recommend that the **11-6-19 SDCL Review to allow construction of a driveway in public right-of-way** be approved with the following stipulations:

1. The driveway shall be constructed with a minimum 20 foot wide graveled surface and a minimum four inch gravel thickness. In addition, sewer and water mains shall be extended in the Pecan Lane right-of-way;
2. Prior to the start of construction, sewer and water plans shall be submitted for review and approval;
3. Any disturbance of the existing Pecan Lane surface for the installation of utilities shall be replaced with a minimum four inch gravel surface;
4. Pecan Lane and E. St. Francis Street shall remain open during utility installation; and,
5. The road shall be maintained in a dust free manner at all times. (7 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

70. No. 04SV015 - Menard Subdivision

A request by Wasteline Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4 of Block 1, Menard Subdivision, located in the SE1/4 NW1/4 and the NE1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1705 East Anamosa .

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

Alan Hanks, applicant, explained that he is proposing to dedicate 80 feet of right-of-way with a ten foot wide pedestrian easement along either side of the right-of-way on the abutting properties. He expressed concerns with the access to the property.

Prairie Chicken left the meeting at this time.

Lengthy discussion followed concerning the dedication of additional right-of-way and reducing the separation requirement between the driveway approach and an intersection from 230 feet to 75 feet.

Discussion followed concerning redesigning the location of the retail store on the property, the major and minor arterial street classifications, setting a precedent concerning dedication of right-of-way, the extension of Creek Drive and Eglin Street, special exceptions to the Street Design Criteria Manual and the City's Major Street Plan.

Nash stated that he understands the applicant's concerns and frustration but he supports the standards outlined in the Street Design Criteria Manual and staff's recommendation.

**Nash moved to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied and that the Special Exception to the Street Design Criteria Manual to reduce the separation between an approach and an intersection from 230 feet to 75 feet be denied. The motion died for lack of a second.**

Discussion followed.

**Wevik moved, seconded by Schmidt and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved and that the Special Exception to the Street Design Criteria Manual to reduce the separation between an approach and an intersection from 230 feet to 75 feet be denied. (4 to 2 with Brown, Henning, Schmidt and Wevik voting yes and Hoffman and Nash voting no)**

71. No. 04SV017 - Trailwood Village

A request by Sperlich Consulting Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water, curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of Covington Street, and the Point of Beginning; Thence, first course: S67°24'19"E, along the southerly boundary of

said Lot A of Block 16, a distance of 324.26 feet, to the southeasterly corner of said Lot A of Block 16; Thence, second course: N46°30'40"E, along the easterly boundary of said Lot A of Block 16, a distance of 154.00 feet, to the northeasterly corner of said Lot A of Block 16, common to a point on the southerly edge of the right-of-way of Teak Drive; Thence, third course: southeasterly, along the southerly edge of the right-of-way of said Teak Drive, curving to the left on a curve with a radius of 307.84 feet, a delta angle of 20°28'24", an arc length of 110.00 feet, a chord bearing of S53°43'32"E, and a chord distance of 109.42 feet, to a point of tangency; Thence, fourth course: S63°57'44"E, along the southerly edge of the right-of-way of said Teak Drive, a distance of 39.55 feet, to the northwesterly corner of Lot 5 of Block 3 of Ridgeview Place Subdivision; Thence, fifth course: S38°38'57"W, along the westerly boundary of said Lot 5 of Block 3 of Ridgeview Place Subdivision, a distance of 86.16 feet, to the southwesterly corner of said Lot 5 of Block 3, common to the northwesterly corner of Lot B of Block 2 of Ridgeview Place Subdivision; Thence, sixth course: S38°38'57"W, along the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 332.48 feet, to the southwesterly corner of said Lot B of Block 2, common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; Thence, seventh course: S38°53'52"W, along the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, common to a point on the northerly edge of the right-of-way of SD State Highway 44; Thence, eighth course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of said SD State Highway 44, and said Covington Street; Thence, ninth course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; Thence, tenth course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 17°49'29", an arc length of 186.66 feet, a chord bearing of N31°30'25"E, and chord distance of 185.91 feet, to the southwesterly corner of said Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of said Covington Street, and the Point of Beginning; said parcel contains 4.680 acres more or less, more generally described as being located west of Plateau Lane along Williams Street, Leola Lane and Quad Court.

Fisher reviewed the request and staff's recommendation.

**Nash moved, seconded by Schmidt and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and water be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be approved with the following stipulation:**

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (6 to 0 with Brown, Henning, Hoffmann, Nash, Schmidt and Wevik voting yes and none voting no)**

72. Discussion Items

- A. Request the Planning Commission to sponsor an amendment to the Southwest Connector Neighborhood Future Land Use Map - Dream Design International, Inc.

Elkins reviewed the request by Dream Design International, Inc.

**Nash moved, seconded by Brown and unanimously carried to sponsor an amendment to the Southwest Connector Neighborhood Future Land Use Map. (6 to 0 with Brown, Henning, Hoffmann, Nash, Schmidt and Wevik voting yes and none voting no)**

- B. Request for Planning Commission to sponsor an Ordinance Amendment to allow monument sales and engraving as a Conditional Use in the General Commercial Zoning District - Chuck Rausch

Elkins reviewed the request by Chuck Raush.

**Nash moved, seconded by Schmidt and unanimously carried to have the Planning Commission sponsor an Ordinance Amendment to allow monument sales and engraving as a Conditional Use in the General Commercial Zoning District. (6 to 0 with Brown, Henning, Hoffmann, Nash, Schmidt and Wevik voting yes and none voting no)**

73. Staff Items

- A. Proposed Committee to Review List of Conditional Uses

Elkins suggested that the discussion of the Proposed Committee to Review List of Conditional Uses be continued to the April 8, 2004 Planning Commission meeting due to the time.

The Planning Commission concurred.

74. Planning Commission Items

None

75. Committee Reports

None

**There being no further business Schmidt moved, seconded by Nash and unanimously carried to adjourn the meeting at 10:15 .m. (6 to 0 with Brown, Henning, Hoffmann, Nash, Schmidt and Wevik voting yes and none voting no)**