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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 22, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken and Jeff Stone

STAFF PRESENT: Vicki Fisher, Karen Bulman, Todd Tucker, Patsy Horton, Bill Knight, Kurt Huus, Sig Zveinieks, Dave Johnson, 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 10 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Nash and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 11 in accordance with the staff recommendations with the exception of Items 7 and 10. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the April 8, 2004 Planning Commission Meeting Minutes.
2. No. 04PL041 - Auburn Hills Subdivision
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Layout and Preliminary Plat** on Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision and dedicated right-of-way of Chalkstone Drive, located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Chalkstone Drive and Auburn Drive.

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 cost estimate shall be submitted for review and approval;**
2. **Prior to submittal of a Final Plat, the plat document shall be revised to show the "access restriction" as a non-access easement or a note shall be placed on the plat precluding driveway approaches within the access restriction; and,**
3. **Upon submittal of the Final Plat, surety for any required subdivision**

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

3. No. 04PL043 - Minnesota Park Subdivision

A request by Sperlich Consulting Inc. for Walgar Development to consider an application for a **Layout and Preliminary Plat** on Lot 1 of Block 1, Minnesota Park Subdivision, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10. and a portion of the SE1/4 of the NW1/4 of the SE1/4 located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Wisconsin Avenue and East Minnesota Street.

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, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned;**
2. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a revised grading plan showing the channel grading at element #21 of the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan in accordance with the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
6. **Prior to Preliminary Plat approval by the City Council, revised construction plans for Wisconsin Avenue shall be submitted for review and approval. In particular, Wisconsin Avenue shall be located in a minimum 59 foot wide right-of-way and construction with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulation shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;**
8. **All Uniform Fire Code shall be continually met;**
9. **Prior to submittal of a Final Plat, the plat document shall be revised to show the "access restriction" as a non-access easement or a note shall be placed on the plat precluding driveway approaches within the access restriction;**
10. **Prior to submittal of a Final Plat, the plat document shall be revised to extend the access restriction a distance of 85 feet from the Minnesota Street/Wisconsin Avenue intersection or a Special Exception to the**

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Street Design Criteria Manual shall be obtained;

- 11. Upon submittal of the Final Plat, the plat document shall be revised to show "East Minnesota Street" as "Minnesota Street"; 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. 04PL044 - Minnesota Park Subdivision

A request by Sperlich Consulting Inc. for Walgar Development to consider an application for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Wisconsin Avenue and East Minnesota Street.

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, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned;**
- 2. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, a grading shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, a revised drainage plan in accordance with the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the extension of Wisconsin Avenue to the south lot line. In addition, construction plans shall be submitted for review and approval. In particular, the construction plans shall show Wisconsin Avenue located in a 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;**
- 6. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;**
- 7. All Uniform Fire Code shall be continually met; and,**
- 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.**

5. No. 04PL045 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Layout Plat** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence travel 548.94 feet at a

bearing S89°27'22"E to the Point of Beginning; travel 387.50 feet at a bearing N45°54'33"E to a point; thence 216.00 feet at a bearing N67°49'27"E to a point; thence travel 120.73 feet at a bearing N24°43'12"E to a point; thence travel 117.84 feet at a bearing N07°03'57"W to a point; thence travel 129.48 feet at a bearing N30°35'10"W to a point; thence travel 174.01 feet at a bearing N90°00'00"W to a point; thence travel 237.48 feet at a bearing N61°30'24"W to a point; thence travel 126.16 feet at a bearing N73°30'07"W to a point; thence travel 74.12 feet at a bearing N52°32'01"W to a point; thence travel 122.49 feet at a bearing S87°48'19"W to a point; thence travel 100.98 feet at a bearing S69°46'53"W to a point; thence travel 110.01 feet at a bearing S35°36'28"W to a point; thence travel 225.24 feet at a bearing N41°05'15"W to a point; thence travel 401.68 feet at a bearing N00°21'00"E to a point; thence travel 2337.68 feet at a bearing S89°27'07"E to a point; thence travel 107.83 feet at a bearing S57°14'09"W to a point; thence travel 63.00 feet at a bearing S38°41'00"W to a point; thence travel 89.00 feet at a bearing S68°55'00"W to a point; thence travel 47.00 feet at a bearing S54°43'00"W to a point; thence travel 95.00 feet at a bearing S47°03'00"W to a point; thence travel 77.00 feet at a bearing S69°31'00"W to a point; thence travel 160.63 feet at a bearing S45°15'58"W to a point; thence travel 93.87 feet at a bearing S45°43'39"W to a point; thence travel 96.40 feet at a bearing S34°35'20"E to a point; thence travel 219.73 feet at a bearing S55°19'07"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing S05°32'55"W; thence travel 166.06 feet at a bearing S44°48'23"E to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing S39°36'25"E, thence travel 214.00 feet at a bearing S34°24'28"E to a point; thence travel 26.11 feet at a bearing S45°11'37"W to a point; thence travel 1307.61 feet at a bearing N89°27'22"W to the point of beginning, more generally described as being located West of the western terminus of Fairmont Boulevard and north of Tower Road.

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

- 1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 4. Upon submittal of a Preliminary Plat, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for the approved approach locations as authorized in the Street Design Criteria Manual;**
- 6. Upon submittal of a Preliminary Plat, sewer plans prepared by a**

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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;

7. Prior to submittal of a Final Plat, the applicant shall enter into an agreement that any surface restoration within the existing utility easement be at the property owners expense;
8. 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as necessary;
9. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 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. 04PL046 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Layout Plat** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence 1878.66 feet at a bearing S89°27'22"E to a point; thence 59.84 feet at a bearing N00°32'37"E to a point of beginning; thence travel 214.00 feet at a bearing N34°24'28"W to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing N39°36'25"W, thence travel 166.06 feet at a bearing N44°48'23"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing N05°32'55"E, thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.36 feet at a bearing S45°05'51"W to the point of beginning, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

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

1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat, a Drainage Plan designed in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed;
4. Upon submittal of a Preliminary Plat, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26

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

5. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for approved approach locations as per the Street Design Criteria Manual;
6. 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 or a Variance to the Subdivision Regulations shall be obtained;
7. 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 or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
9. 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.

8. No. 04SR016 - Red Rock Estates

A request by Alliance of Architects and Engineers for the City of Rapid City to consider an application for an **11-6-19 SDCL Review to authorize a allow for water storage reservoir** on the unplatted portion of the SW1/4 of Section 29, T1N, R7E and the E1/2 of Section 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Red Rock Estates and Selador Ranches.

Planning Commission recommended that the 11-6-19 SDCL Review to authorize a allow for water storage reservoir be approved with the following stipulations:

1. Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
2. Prior to issuance of a Building Permit, a revised site plan showing all access to and around the reservoir being paved shall be submitted
3. Prior to issuance of a Building Permit, a revised site plan showing two paved parking stalls, one being a van accessible handicapped stall, shall be submitted;
4. All applicable Uniform Fire Codes shall be continually met;
5. Prior to the construction of any fencing in excess of six feet in height, a fence height exception shall be obtained;
6. Prior to issuance of a Building Permit, drainage and grading plans must be submitted showing any increase runoff calculations and drainage routes; and,
7. Prior to issuance of a Building Permit, the City of Rapid City must acquire an utility easement for the subject property or ownership of the subject property.

9. No. 04SR017 - Section 24, T1N, R7E

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A request by Don Sargent for Black Hills Power to consider an application for an **11-6-19 SDCL Review to allow improvements to an existing substation** in the SW1/4 SW1/4 less right-of-way, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 751 Catron Boulevard.

Planning Commission recommended that the 11-6-19 SDCL Review to allow improvements to an existing substation be approved with the following stipulations:

1. The existing unpaved parking and landscaping may remain; however, any future expansion of the site may require compliance with the off-street parking requirements found in Section 17.50.270 and the landscaping requirements of 17.50.300 of the Rapid City Municipal Code;
2. Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building; and,
3. Prior to issuance of a Building Permit, drainage and grading plans must be submitted showing any increase runoff calculations and drainage routes.

11. No. 04SR019 - Section 1, T1N, R7E

A request by Scott Kenner for the Historic Preservation Commission/South Dakota School of Mines & Technology to consider an application for an **11-6-19 SDCL Review to allow a structure in the right-of-way** at the northwest corner of 7th Street and Main Street, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the northwest corner of 7th Street and Main Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a structure in the right-of-way be approved with the following stipulations:

1. The fountain dimensions will not extend beyond the fountain's base; and,
2. The Americans with Disabilities Act Standards shall be met on a continuing basis.

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

7. No. 04PL047 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for a **Layout Plat** on property described by metes and bounds as commencing at the SW corner of the NW ¼ of the SE 1/4 of Section 11, T1N, R7E, BHM, point also the Point of Beginning; travel 918.99 feet at a bearing N00°21'00" East to a point; thence travel 225.24 feet at a bearing S41°05'15" East to a point; thence travel 110.01 feet at a bearing N35°36'28" East to a point; thence travel 100.98 feet at a bearing N69°46'53" East to a point; thence travel 122.49 feet at a bearing N87°48'19" East to a point; thence travel 74.12 feet at a bearing S52°32'01" East to a point; thence travel 126.16 feet at a bearing S73°30'07" East to a point; thence travel 237.48 feet at a bearing S61°30'24" East to a point; thence travel 174.01 feet at a bearing N90°00'00" East to a point; thence travel 129.48 feet at a bearing S30°35'10" East to a point; thence travel 117.84 feet at a bearing

S07°03'57" East to a point; thence travel 120.73 feet at a bearing S24°43'12" West to a point; thence travel 216.00 feet at a bearing S67°49'27" West to a point; thence travel 387.50 feet at a bearing S45°54'33" West to a point; thence travel 548.94 feet at a bearing N89°27'22" West to the point of beginning; said parcel contains approximately 16.55 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Rudy Mooney, 3030 Sandstone Lane, expressed his concerns with Sandstone Lane bisecting his property and would like Sandstone Lane relocated along his west lot line. He further expressed his concerns with the width of Tower Road, loss of individual driveways, the impacts that a townhome development would have on property values and proposed street connections. He indicated that in his opinion a road connection from Fairmont Boulevard to this proposed townhome development should be provided.

Fisher reviewed the request, the proposed street connections, and staff's recommendation.

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

- 1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 4. Upon submittal of a Preliminary Plat, road construction plans for Sandstone Lane and Pevans Parkway shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat, the applicant shall demonstrate that Sandstone Lane can be constructed within the existing 52 foot wide right-of-way or additional right-of-way shall be obtained. In addition, the construction plans shall show Sandstone Lane constructed in the center of the right-of-way or a Special Exception shall be obtained as per the Street Design Criteria Manual. If a Variance to the Subdivision Regulations is granted to waive the requirement to provide a minimum 27 foot wide paved surface, then visitor parking at a ratio of one space per dwelling unit shall be provided within 300 feet of the residence or a Special Exception shall be obtained;**
- 6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show access easements to all proposed lots with a shared driveway or the lot configurations shall be revised to provide individual driveways to**

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each lot. In addition, road construction plans for the access easements shall be submitted for review and approval. In particular, road the construction plans shall show the access easements with a width of 49 feet 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;

7. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide public utility easements or additional rights-of-way for maintenance of manholes located on proposed lots or the sewer main shall be reconstructed placing the existing sewer line in the proposed right-of-way;
 8. 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 or a Variance to the Subdivision Regulations shall be obtained. The water plans shall also provide a connection between the Terracita High Level Pressure Zone and the Southwest High Level Pressure Zone. In addition, utility easements shall be provided as needed;
 9. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Preliminary Plat, the applicant shall identify the location of the street name change for Sandstone Lane and Pevans Parkway. In addition, the plat document shall be revised to clearly show the street names;
 11. All Uniform Fire Codes shall be continually met;
 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; and,
 13. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the Planned Residential Development shall be obtained to allow a townhome development in lieu of the previously approved single family residential development. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)
10. No. 04SR018 - Section 34, T1N, R8E
A request by Basin Electric Power Cooperative to consider an application for an **11-6-19 SDCL Review to allow expansion of a utility substation** in the NE1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Old Folsom Road and Lamb Road.

Fisher advised that the applicant has requested that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the May 6, 2004 Planning Commission meeting at the applicant's request.

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Stone moved, seconded by Brown and unanimously carried to recommend that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the May 6, 2004 Planning Commission meeting at the applicant's request. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 12 through 41 were hereby opened.

Staff requested that Item 38 be removed from the Hearing Consent Agenda for separate consideration. Nash requested that Items 39, 40 and 41 be removed from the Hearing Consent Agenda for separate consideration.

Nash moved, seconded by Brown and unanimously carried to recommend approval of the Hearing Consent Agenda Items 12 through 41 in accordance with the staff recommendations with the exception of Items 38, 39, 40 and 41. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

The Public Hearings on Items 12 through 41 were hereby closed with the exception of Items 38, 39, 40 and 41.

12. No. 04CA002 - Mediterranean Subdivision

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

13. No. 04CA004 - Rainbow Ridge Subdivision

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

14. No. 04CA005 - Elk Vale Park

Summary of Adoption Action - 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

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

15. No. 04CA006 - Elk Vale Park

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

16. No. 04CA008 - Elk Vale Park

Summary of Adoption Action - 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.

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

17. No. 04CA009 - Elk Vale Park

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

18. No. 04PL042 - Section 2, T1N, R7E

A request by Daniel and Lori Smith to consider an application for a **Layout Plat** on Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1802 Valentine Street.

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

1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. 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;
3. 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;
4. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for that portion of the access easement located on the subject property. In particular, the road construction plans shall identify the street located within 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;
5. Upon submittal of the Preliminary Plat application, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the road construction plans shall identify Skyline Drive located within a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. Upon submittal of a Preliminary Plat, the plat document shall be revised

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to show the dedication of five additional feet of right-of-way along Skyline Drive or a Variance to the Subdivision Regulations shall be obtained;

8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Skyline Drive;
 9. Prior to submittal of a Final Plat, a Variance to Zoning Ordinance to reduce the minimum required lot size in the Park Forest District from three acres to 1.1 acres shall be obtained; and,
 10. 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.
19. No. 04SV021 - Section 2, T1N, R7E
A request by Daniel and Lori Smith to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1802 Valentine Street.

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

1. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Skyline Drive; 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.
20. No. 04CA017 - Stoney Creek Subdivision
A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.92 acre parcel from Planned Residential Development with a maximum density of 4.8 dwelling units per acre to Low Density Residential** on Lot 24, Block 3; Lots 4, 5 and Outlot A, Block 4; Lots 1-22, Block 6; and adjacent right of way, Stoney Creek Subdivision, located in NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Nugget Gulch Road and Catron Boulevard.
- Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.92 acre parcel from Planned Residential Development with a maximum density of 4.8 dwelling units per acre to Low Density Residential be approved.
21. No. 04OA005 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to allow monument sales and engraving as a conditional use in the General Commercial Zoning District by amending Section 17.18.030 of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment to allow monument sales and engraving as a conditional use in the General Commercial Zoning District by amending Section 17.18.030 of the Rapid City Municipal Code be approved.

22. No. 04CA012 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development** on property described by metes and bounds as beginning from a point beginning 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development be denied without prejudice.

*23. No. 04PD019 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point,

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thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from General Agriculture District to Low Density Residential II 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.

24. No. 04RZ015 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II District** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential II District be approved in conjunction with the Planned Development Designation.

25. No. 04CA013 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an

application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°05'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

*26. No. 04PD020 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a

point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from General Agriculture District to Office Commercial District and the related Comprehensive Plan Amendment 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.

27. No. 04RZ016 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as commencing from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of

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343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation and the related Comprehensive Plan Amendment.

*28. No. 04PD022 – Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

Planning Commission approved the Planned Development Designation for the north portion of the subject project with the following legal: From a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning less the following: "from a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the

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NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM. This is the point of beginning. Travel 484.47 feet at a bearing S89°27'22" East, then travel 121.99 feet at a bearing S00°46'13" West, then travel 282.52 feet at a bearing S75°51'59" West, then travel along a 437.22 foot radius concave southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet, then travel 27.01 feet at a bearing N54°20'05" West, then travel along a 100 foot radius concave easterly curve with a chord bearing N04°34'14" West a chord distance of 152.52 feet, then travel 273.99 feet at a bearing N45°10'32" East to the point of beginning; the area described contains approximately 2.95 acres" be approved contingent upon the approval of the associated rezoning from Park Forest District to Office Commercial District with the following stipulation:

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

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.

*29. No. 04PD025 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Planned Commercial Development - Initial Development Plan** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence travel 548.94 feet at a bearing S89°27'22"E to the Point of Beginning; travel 387.50 feet at a bearing N45°54'33"E to a point; thence 216.00 feet at a bearing N67°49'27"E to a point; thence travel 120.73 feet at a bearing N24°43'12"E to a point; thence travel 117.84 feet at a bearing N07°03'57"W to a point; thence travel 129.48 feet at a bearing N30°35'10"W to a point; thence travel 174.01 feet at a bearing N90°00'00"W to a point; thence travel 237.48 feet at a bearing N61°30'24"W to a point; thence travel 126.16 feet at a bearing N73°30'07"W to a point; thence travel 74.12 feet at a bearing N52°32'01"W to a point; thence travel 122.49 feet at a bearing S87°48'19"W to a point; thence travel 100.98 feet at a bearing S69°46'53"W to a point; thence travel 110.01 feet at a bearing S35°36'28"W to a point; thence travel 225.24 feet at a bearing N41°05'15"W to a point; thence travel 401.68 feet at a bearing N00°21'00"E to a point; thence travel 2337.68 feet at a bearing S89°27'07"E to a point; thence travel 107.83 feet at a bearing S57°14'09"W to a point; thence travel 63.00 feet at a bearing S38°41'00"W to a point; thence travel 89.00 feet at a bearing S68°55'00"W to a point; thence travel 47.00 feet at a bearing S54°43'00"W to a point; thence travel 95.00 feet at a bearing S47°03'00"W to a point; thence travel 77.00 feet at a bearing S69°31'00"W to a point; thence travel 160.63 feet at a bearing S45°15'58"W to a point; thence travel 93.87 feet at a bearing S45°43'39"W to a point; thence travel 96.40 feet at a bearing S34°35'20"E to a point; thence travel 219.73 feet at a bearing S55°19'07"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing S05°32'55"W; thence travel 166.06 feet at a bearing S44°48'23"E to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing S39°36'25"E, thence travel 214.00 feet at a bearing S34°24'28"E to

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a point; thence travel 26.11 feet at a bearing S45°11'37"W to a point; thence travel 1307.61 feet at a bearing N89°27'22"W to the point of beginning, more generally described as being located West of the western terminus of Fairmont Boulevard and north of Tower Road.

Planning Commission approved the Planned Commercial Development - Initial Development with the following stipulations:

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Commercial Development;
2. Upon submittal of a Final Planned Commercial Development, a landscaping plan shall be submitted for review and approval;
3. Upon submittal of a Final Planned Commercial Development, a sign package shall be submitted for review and approval;
4. Upon submittal of a Final Planned Commercial Development, a parking plan shall be submitted for review and approval. In particular, a minimum of 635 parking spaces shall be provided. In addition, 13 of the spaces shall be handicap accessible with one of the handicap accessible spaces being "van" accessible;
5. Upon submittal of a Final Planned Commercial Development, structural elevations and a list of the building materials for the proposed office buildings and the apartment complexes shall be submitted for review and approval. In addition, the maximum elevation of all structures shall not exceed 35 feet in height as per Office Commercial Zoning District regulations;
6. Upon submittal of a Final Planned Commercial Development, a lighting package shall be submitted for review and approval;
7. Upon submittal of a Final Planned Commercial Development, the site plan shall be revised to show Fairmont Boulevard constructed to City Street Design Standards through the southern approach to the subject property. In particular, Fairmont Boulevard shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer;
8. The structure(s) shall be sprinklered if access is not provided within 150 feet of the entire building;
9. Upon submittal of a Final Planned Residential Development Plan, a wild fire mitigation plan shall be submitted for review and approval; and,
10. Upon submittal of a Final Planned Residential Development, a phasing 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.

30. No. 04RZ021 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Rezoning from Park Forest District to Office Commercial District** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, Thence travel 548.94 feet at a bearing S89°27'22"E to the Point of Beginning; travel 387.50 feet at a bearing N45°54'33"E to a point; thence 216.00 feet at a bearing N67°49'27"E to a point; thence travel 120.73 feet at a bearing N24°43'12"E to a point; thence travel 117.84 feet at a bearing N07°03'57"W to a point; thence travel 129.48 feet at a bearing N30°35'10"W to a point; thence travel 174.01 feet at a bearing N90°00'00"W to a point; thence travel 237.48 feet at a bearing N61°30'24"W to a point; thence travel 126.16 feet at a bearing N73°30'07"W to a point; thence travel 74.12 feet at a bearing N52°32'01"W to a point; thence travel 122.49 feet at a bearing S87°48'19"W to a point; thence travel 100.98 feet at a bearing S69°46'53"W to a point; thence travel 110.01 feet at a bearing S35°36'28"W to a point; thence travel 225.24 feet at a bearing N41°05'15"W to a point; thence travel 401.68 feet at a bearing N00°21'00"E to a point; thence travel 2337.68 feet at a bearing S89°27'07"E to a point; thence travel 107.83 feet at a bearing S57°14'09"W to a point; thence travel 63.00 feet at a bearing S38°41'00"W to a point; thence travel 89.00 feet at a bearing S68°55'00"W to a point; thence travel 47.00 feet at a bearing S54°43'00"W to a point; thence travel 95.00 feet at a bearing S47°03'00"W to a point; thence travel 77.00 feet at a bearing S69°31'00"W to a point; thence travel 160.63 feet at a bearing S45°15'58"W to a point; thence travel 93.87 feet at a bearing S45°43'39"W to a point; thence travel 96.40 feet at a bearing S34°35'20"E to a point; thence travel 219.73 feet at a bearing S55°19'07"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing S05°32'55"W; thence travel 166.06 feet at a bearing S44°48'23"E to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing S39°36'25"E, thence travel 214.00 feet at a bearing S34°24'28"E to a point; thence travel 84.11 feet at a bearing S45°11'37"W to a point; thence travel 1270.61 feet at a bearing N89°27'22"W to the point of beginning, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Planning Commission recommended that the Rezoning from Park Forest District to Office Commercial District be approved.

*31. No. 04PD026 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for a **Planned Commercial Development - Initial Development Plan** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence 1878.66 feet at a bearing S89°27'22"E to a point; thence 59.84 feet at a bearing N00°32'37"E to a point of beginning; thence travel 214.00 feet at a bearing N34°24'28"W to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing N39°36'25"W, thence travel 166.06 feet at a bearing N44°48'23"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing N05°32'55"E, thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.36 feet at a bearing S45°05'51"W to the point of beginning, more generally described as being located West of the western terminus of Fairmont Boulevard and north of Tower Road.

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

- 1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Commercial Development;**
- 2. Upon submittal of a Final Planned Commercial Development, a landscaping plan shall be submitted for review and approval;**
- 3. Upon submittal of a Final Planned Commercial Development, a sign package shall be submitted for review and approval;**
- 4. Upon submittal of a Final Planned Commercial Development, a parking plan shall be submitted for review and approval. In particular, a minimum of 53 parking spaces shall be provided. In addition, 3 of the spaces shall be handicap accessible with one of the handicap accessible spaces being "van" accessible;**
- 5. Upon submittal of a Final Planned Commercial Development, structural elevations and a list of the building materials for the proposed restaurants shall be submitted for review and approval. In addition, the maximum elevation of all structures shall not exceed 45 feet in height as per General Commercial Zoning District regulations;**
- 6. Upon submittal of a Final Planned Commercial Development, a lighting package shall be submitted for review and approval;**
- 7. Upon submittal of a Final Planned Commercial Development, the site plan shall be revised to show Fairmont Boulevard constructed to City Street Design Standards through the southern approach to the subject property. In particular, Fairmont Boulevard shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer; and,**
- 8. Upon submittal of a Final Planned Residential Development Plan, a wild fire mitigation 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.

***32. No. 04PD029 - Skyline Pines East Subdivision**

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for a **Planned Residential Development - Initial Development Plan** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, point also the Point of Beginning; travel 918.99 feet at a bearing N00°21'00" East to a point; thence travel 225.24 feet at a bearing S41°05'15" East to a point; thence travel 110.01 feet at a bearing N35°36'28" East to a point; thence travel 100.98 feet at a bearing N69°46'53" East to a point; thence travel 122.49 feet at a bearing N87°48'19" East to a point; thence travel 74.12 feet at a bearing S52°32'01" East to a point; thence travel 126.16 feet at a bearing S73°30'07" East to a point; thence travel 237.48 feet at a bearing S61°30'24" East to a point; thence travel 174.01 feet at a bearing N90°00'00" East to a point; thence travel 129.48 feet at a bearing S30°35'10" East to a point; thence travel 117.84 feet at a bearing S07°03'57" East to a point; thence travel 120.73 feet at a bearing S24°43'12" West to a point; thence

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travel 216.00 feet at a bearing S67°49'27" West to a point; thence travel 387.50 feet at a bearing S45°54'33" West to a point; thence travel 548.94 feet at a bearing N89°27'22" West to the point of beginning; said parcel contains approximately 16.55 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

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

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;
2. Upon submittal of a Final Planned Residential Development, a landscaping plan shall be submitted for review and approval;
3. Upon submittal of a Final Planned Residential Development, a sign package shall be submitted for review and approval;
4. Upon submittal of a Final Planned Residential Development, structural elevations and a list of the building materials for the proposed townhomes and single family residences shall be submitted for review and approval;
5. Upon submittal of a Final Planned Residential Development, a lighting package shall be submitted for review and approval;
6. Upon submittal of a Final Planned Residential Development, visitor parking shall be provided at a ratio of one parking space per dwelling unit located within 300 feet of the residence or a minimum 52 foot wide right-of-way for Sandstone Lane and Pevans Parkway shall be provided in order to allow on-street parking;
7. Upon submittal of a Final Planned Residential Development, a preliminary geotechnical evaluation shall identify those lots that need a detailed geotechnical evaluation prior to issuance of a building or grading permit;
8. Prior to issuance of a building permit for each lot, the property owner shall submit the proposed driveway grade for review and approval. If the proposed driveway grade exceeds 15%, the dwelling unit shall be sprinklered;
9. A residential style fire apparatus turnaround shall be provided on any lot with a driveway in excess of 150 feet;
10. Upon submittal of a Final Planned Residential Development Plan, a wild fire mitigation plan shall be submitted for review and approval; and,
11. Upon submittal of a Final Planned Residential Development, a phasing 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. 04RZ022 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on property described by metes and bounds as

commencing at the SW corner of the NW ¼ of the SE 1/4 of Section 11, T1N, R7E, BHM, point also the Point of Beginning; travel 918.99 feet at a bearing N00°21'00" East to a point; thence travel 225.24 feet at a bearing S41°05'15" East to a point; thence travel 110.01 feet at a bearing N35°36'28" East to a point; thence travel 100.98 feet at a bearing N69°46'53" East to a point; thence travel 122.49 feet at a bearing N87°48'19" East to a point; thence travel 74.12 feet at a bearing S52°32'01" East to a point; thence travel 126.16 feet at a bearing S73°30'07" East to a point; thence travel 237.48 feet at a bearing S61°30'24" East to a point; thence travel 174.01 feet at a bearing N90°00'00" East to a point; thence travel 129.48 feet at a bearing S30°35'10" East to a point; thence travel 117.84 feet at a bearing S07°03'57" East to a point; thence travel 120.73 feet at a bearing S24°43'12" West to a point; thence travel 216.00 feet at a bearing S67°49'27" West to a point; thence travel 387.50 feet at a bearing S45°54'33" West to a point; thence travel 548.94 feet at a bearing N89°27'22" West to the point of beginning; said parcel contains approximately 16.55 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential II District be approved.

34. No. 04CA016 - 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 Flood Hazard** 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 Flood Hazard be approved.

35. No. 04RZ019 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Flood Hazard** 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;

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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 Flood Hazard District be approved in conjunction with the related Comprehensive Plan Amendment.

*36. 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 denied without prejudice the Conditional Use Permit to allow billboards 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.

*37. No. 03UR019 - Morningside Subdivision

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

Planning Commission continued the public hearing on the Conditional Use Permit to allow a church in a High Density Residential Zoning District to the May 6, 2004 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

*38. No. 04UR004 - Marshall Heights Tract

A request by David Clayton for C&C, LLC dba Schlotzsky's to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in the General Commercial Zoning District** on Lot B of Lot 7 of Lot K-3, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1375 N. LaCrosse Street.

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Fisher explained that this item was inadvertently placed on the Hearing Consent Agenda. She added that a letter of opposition was submitted by an adjacent property owner yesterday and has been placed on the dais for Planning Commission review.

In response to a question by Nash, Fisher stated that the Conditional Use Permit would not be reviewed again unless there is a complaint.

In response to a question by Prairie Chicken, Tucker advised that staff has not received any other inquiries or complaints regarding this request.

Brown moved, seconded by Stone and unanimously carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in the General Commercial Zoning District with the following stipulations:

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
- 2. All applicable provisions of the Uniform Fire Codes shall be continually met;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 4. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary; and,**
- 5. 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. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone 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.

Nash requested that Items 39 thru 41 be considered concurrently.

39. 04TP007
US Highway 16 Corridor Study Report
40. 04TP008
Jackson Boulevard Extension Study Report
41. 04TP009

Nash requested that Items 39 thru 41 be continued to the May 6, 2004 Planning Commission meeting to allow the Planning Commission additional time to review the documents.

Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the US Highway 16 Corridor Study Report, the Jackson

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Boulevard Extension Study Report and the Rapid City Travel Demand Modeling Update - Documentation and Users Guide be continued to the May 6, 2004 Planning Commission meeting. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

42. No. 03SR048 - Providence Subdivision

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

Fisher presented the request and reviewed the revised stipulations of approval.

Nash moved, seconded by Henning and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be approved with the following stipulations:

1. **Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;**
2. **A Building Permit shall be obtained prior to any construction;**
3. **Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;**
4. **A Certificate of Completion shall be obtained prior to any use of the tower;**
5. **That a minimum of 20 foot fire lane access shall be continually maintained behind the existing building;**
6. **The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);**
7. **The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;**
8. **The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;**
9. **The existing communications tower shall be removed within thirty days of the issuance of a Certificate of Completion for the new communications tower;**
10. **No commercial advertising signage shall be allowed on the tower;**
11. **All requirements of the Off-Street Parking Ordinance shall be continually met;**
12. **The Use on Review 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; and,**

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13. **Prior to issuance of a Building Permit, the applicant's engineer shall certify that the antenna pier was constructed in compliance with the design plans. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)**

Fisher requested that Items 43 thru 45 be considered concurrently.

43. 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 $\frac{1}{4}$) 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 $\frac{1}{4}$) 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.

44. 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.

45. 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 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.

Fisher explained that the applicant has requested that Items 43 thru 45 be continued to the May 6, 2004 Planning Commission meeting to allow the applicant and staff time to discuss alternate options.

Brown moved, seconded by Nash and unanimously carried to continue the public hearing on the Major Amendment to Planned Residential Development to allow townhomes, the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way to the May 6, 2004 Planning Commission meeting. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

46. Discussion Items

A. Street Design Criteria Manual - Fire Department Turnarounds

Bill Knight requested that the discussion on the Street Design Criteria Manual - Fire Department Turnarounds be tabled. He explained that staff is currently reviewing the new Fire Code and added that Fire Department turnarounds are discussed in that document.

Nash moved, seconded by Prairie Chicken and unanimously carried to table the discussion on Street Design Criteria Manual - Fire Department Turnarounds. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

47. Staff Items

A. Proposed Committee to Review List of Conditional Uses

Stone moved, seconded by Prairie Chicken and unanimously carried to continue the Proposed Committee to Review List of Conditional Uses to the May 6, 2004 Planning Commission meeting. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)

B. Elmhurst Drive Area Tour

Fisher advised that Sharlene Mitchell is currently calling Planning Commission members to check on scheduling a time to tour the Elmhurst Drive area.

48. Planning Commission Items

A. Resignation of Planning Commissioner

Hoffmann advised that Sam Brannan has resigned from the Planning Commission due to work conflicts. He added that her letter of resignation has been placed on the dais.

DRAFT

49. Committee Reports
None

There being no further business Stone moved, seconded by Brown and unanimously carried to adjourn the meeting at 7:25 a.m. (7 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Stone voting yes and none voting no)