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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 6, 2004

MEMBERS PRESENT: Gary Brown, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken and Ethan Schmidt

STAFF PRESENT: Marcia Elkins, Karen Bulman, Todd Tucker, Patsy Horton, Tim Behlings, Joel Landeen, Curt Huus, Sig Zvejnieks, Dave Johnson, 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 4 be removed from the Non-Hearing Consent Agenda for separate consideration. Nash requested that Item 2 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, seconded by Nash and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 6 in accordance with the staff recommendations with the exception of Items 2 and 4. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

**---NON HEARING ITEMS CONSENT CALENDAR---**

1. Approval of the April 22, 2004 Planning Commission Meeting Minutes.

3. No. 03SR042 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow a park improvement in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow a park improvement in a public place be approved with the following stipulations:**

1. A building permit shall be obtained for the entrance gate prior to the start of construction;
2. A sign permit shall be obtained prior to the placement of any signs. In addition, all signage shall conform to the design, color and location as shown in the sign package submitted as a part of the SDCL 11-6-19 Review;
3. The landscaping shall be planted in compliance with the proposed landscaping plan;
4. Prior to any development of the site or issuance of a Building Permit, a Floodplain Development Permit shall be obtained;

**DRAFT**

5. Prior to issuance of a building permit, a signed agreement addressing ownership and maintenance of the improvements shall be submitted for review and approval; and,
  6. Any expansion of the project, including the construction of restrooms and a trellis, shall require the review and approval of a separate SDCL 11-6-19 Review.
5. No. 04SR020 - Rapid City Greenway Tract  
A request by Bryan Schnell for Canyon Lake Little League to consider an application for an **11-6-19 SDCL Review to allow for the construction of an outdoor batting cage** on Tract 8 (also in Section 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1610 32nd Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow for the construction of an outdoor batting cage be approved with the following stipulations:**

1. Prior to initiation of construction, a building permit shall be obtained;
  2. Prior to issuance of a Building Permit, a Fence Height Exception to allow an eight foot high fence shall be obtained;
  3. Prior to issuance of a Building Permit, a revised site plan showing all utilities located in the area of the proposed batting cage shall be submitted; and,
  4. Prior to issuance of a Building Permit, a revised site plan showing all portions of the batting cage located a minimum of ten feet from the existing water and sewer mains shall be submitted.
6. No. 04SR021 - Rapid City Greenway Tract  
A request by Kathy Cook for Hills Alive - KSLT/KLMP Radio Summer Music Festival to consider an application for an **11-6-19 SDCL Review of a use in a public place** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park, 301 North Fifth Street.

**Planning Commission recommended that the 11-6-19 SDCL Review of a use in a public place be approved with the following stipulations:**

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;
5. A Special Exception to the Floodplain Development Ordinance shall be obtained to allow the fence to be located in the hydraulic floodway or the site plan shall be revised to eliminate the fence from this area of the

**DRAFT**

- property;
6. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
  7. No banners shall be allowed within the public right-of-way or on fences;
  8. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
  9. A Temporary Use Permit shall be obtained prior to initiation of the event;
  10. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
  11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
  12. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually; and
  13. The proposed event shall be allowed to operate for no more than two event days per year.

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

2. No. 04PL051 - MJK Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 2 through 5 Block 10, Lots 17 through 20 Block 8, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Parcel C, MJK Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fieldview Drive to Elm Avenue.

Nash advised that he requested this item be removed from the Non-Hearing Consent Calendar so that he could abstain from voting.

**Schmidt moved, seconded by Prairie Chicken and carried to recommend that the 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 redlined drawings. In addition, the redlined drawings shall be returned;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional ten feet of right-of-way along Elm Avenue or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the bike path along the east side of Elm Avenue in lieu of the west side of Elm Avenue as currently shown on the construction plans;
4. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, a geotechnical

**DRAFT**

report identifying the pavement design and identifying the corrosivity of the soils shall be submitted for review and approval;

6. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall identify where the edge drains tie into the storm sewer system. In addition, the drainage plan shall identify that the proposed channels located along the north and south lot lines of the subject property have adequate capacity to handle the flows;
7. All Uniform Fire Codes shall be continually met;
8. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Elm Avenue and the first 50 feet of Field View Drive as per the Street Design Criteria Manual;
9. Prior to submittal of the Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement along Elm Avenue as per Chapter 16.12.190.E of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained;
10. Prior to submittal of the Final Plat, the plat document shall be revised to eliminate the "Resolution by Governing Board". In addition, the plat document shall be revised to add the "Certificate of Growth Management Director" and the "Certificate of Finance Officer" which certifies that the Growth Management Director signed the plat document; and,
11. 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 to 0 to 1 with Brown, Henning, Hoffmann, Prairie Chicken and Schmidt voting yes, none voting no and Nash abstaining)

4. 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.

Elkins 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 27, 2004 Planning Commission meeting.

Schmidt 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 27, 2004 Planning Commission meeting at the applicant's request. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 7 through 17 were hereby opened.

**DRAFT**

**Brown moved, seconded by Prairie Chicken and unanimously carried to recommend approval of the Hearing Consent Agenda Items 7 through 17 in accordance with the staff recommendations. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

**The Public Hearings on Items 7 through 17 were hereby closed.**

7. No. 04CA011 - Section 11, T1N, R7E

**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 5.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as 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; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

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

8. No. 04CA014 - Section 11, T1N, R7E

**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 34.6 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 SE1/4 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 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; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then

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travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, more generally described as being located along Tower Road.

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

9. No. 04CA015 - GELD Subdivision

**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 7.23 acre parcel from Residential to General Commercial** on Lot 1, Block 1, GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenues and north of Disk Drive.

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

10. No. 04CA018 - Fountain Springs Business Park

A request by Franklin Simpson for Fountain Springs Development to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.0949 acre parcel from General Agriculture to Light Industrial** on a parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 2.0949 acre parcel from General Agriculture to Light Industrial be approved.**

11. No. 04RZ018 - Fountain Springs Business Park

A request by Franklin Simpson for Fountain Springs Development to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on a parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4



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SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive.

**Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved in conjunction with the related Amendment to the Comprehensive Plan.**

\*12. No. 04PD027 - Chapel Lane Village

A request by Ron and Donna Bunnell to consider an application for a **Major Amendment to a Planned Residential Development to reduce the required setbacks** on Lot 15P, Block 2, Chapel Lane Village, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3208 Kirkwood.

**Planning Commission approved the Major Amendment to a Planned Residential Development to allow a two foot front yard setback for the proposed garage, to allow a four foot side yard setback for the proposed garage, to allow a four foot front yard setback for the existing residence and to allow a three foot rear yard setback for the existing residence be approved with the following stipulations:**

- 1. The garage shall be constructed in compliance with the proposed elevations and sided to match the residence;**
- 2. A Building Permit shall be obtained prior to any construction; and**
- 3. A Major Amendment to the Planned Residential Development shall be obtained prior to any further encroachments into the required setbacks.**

***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.***

13. No. 04VR001 - Feigel Subdivision

A request by Geiger Architecture for Taco Bell Corp. to consider an application for a **Vacation of Right-of-Way** on the east 15 feet of Cherry Street right-of-way adjoining Tracts A and E in Block 1 Feigel Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Cherry Avenue.

**Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:**

- 1. Prior to City Council approval, a 15 foot wide utility easement shall be recorded at the Register-of-Deed's Office.**

14. 04TP007

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US Highway 16 Corridor Study Report

**Planning Commission recommended that the Executive Summary and the US Highway 16 Corridor Study Report be approved.**

15. 04TP008  
Jackson Boulevard Extension Study Report

**Planning Commission recommended that the Jackson Boulevard Extension Study Report be approved.**

16. 04TP009  
Rapid City Travel Demand Modeling Update - Documentation and Users Guide

**Planning Commission recommended that the Rapid City Travel Demand Modeling Update – Documentation and Users Guide be approved.**

17. 04TP010  
2005-2009 Transportation Improvement Program Urban Systems Project List

**Planning Commission recommended that the Resolution for the 2005-2009 Transportation Improvement Program Urban Systems Project List be approved.**

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

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*18. No. 02PD005 - Stoney Creek Subdivision Phase II  
A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Revocation of a Planned Development Designation** in the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

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

**Nash moved, seconded by Schmidt and unanimously carried to approve the Revocation of a Planned Development Designation in conjunction with the related Comprehensive Plan. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

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

19. No. 04RZ020 - Skyline Pines East Subdivision



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A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC 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 918.99 feet at a bearing N00°21'00" East to the Point of Beginning; travel 401.68 feet at a bearing N00°21'00" East to a point; thence travel 160.75 feet at a bearing S89°22'18" East to a point; thence travel 67.43 feet at a bearing S09°59'31" West to a point; thence travel 115.00 feet at a bearing S05°14'58" East to a point; thence travel 106.97 feet at a bearing S34°54'43" West to a point; thence travel 245.15 feet at a bearing S00°21'00" West to a point; thence travel 151.09 feet at a bearing N41°05'15" West to the Point of Beginning; said area described contains approximately 1.34 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

Tucker presented the requests for Items 19 through 27 and reviewed the slides of the subject properties and staff's recommendations.

Discussion followed concerning the proposed single family residential development, the multi-family residential development, and the office commercial development on a 61.75 acre tract of land.

In response to a question by Nash, Tucker explained that the applicant has indicated that they intend to dedicate a 1.34 acre parcel of land as open space and as such have requested that Item 19 be denied without prejudice.

Discussion followed concerning the various options that the applicant has to dedicate this area as open space.

**Schmidt moved, seconded by Schmidt and unanimously carried to recommend that the Rezoning from Park Forest District to Office Commercial District be Rezoning from Park Forest District to Office Commercial District be denied without prejudice at the applicant's request. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Tucker requested that Items 20, 21, 22, 24, 25, 26 and 27 be considered concurrently.

20. No. 04RZ023 - 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 Park Forest District to Low Density Residential II District** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 588.52 feet at a bearing N00°21'00" East to the Point of Beginning; travel 330.47 feet at a bearing N00°21'00" East to a point; thence travel 151.09 feet at a bearing S41°05'15" East to a point; thence travel 14.84 feet at a bearing S00°21'00" West to a point; thence travel 239.65 feet at a bearing S10°42'07" East to a point on a curve; thence travel 65.70 feet along a 74.00 foot radius Concave Northerly curve with a chord bearing N80°16'49" West to a point on a curve; thence travel 77.31 feet along a 126.00 foot

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radius Concave Southerly curve with a chord bearing N72°25'20" West to a point; thence travel 7.41 feet at a bearing N89°51'16" West to the Point of Beginning; said area described contains approximately 0.78 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

21. No. 04RZ024 - 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 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 805.71 feet at a bearing N00°21'00" East to a point; Thence travel 99.99 feet at a bearing S89°39'00" East to the Point of Beginning; travel 245.15 feet at a bearing N00°21'00" East to a point; thence travel 106.97 feet at a bearing N34°54'43" East to a point; thence travel 115.00 feet at a bearing N05°14'58" West to a point; thence travel 67.43 feet at a bearing N09°59'31" East to a point; thence travel 813.33 feet at a bearing S89°39'00" East to a point; thence travel 392.20 feet at a bearing S00°21'00" West to a point; thence travel 65.15 feet at a bearing East to a point; thence travel 318.07 feet at a bearing South to a point; thence travel 93.37 feet at a bearing N30°35'10" West to a point; thence travel 174.01 feet at a bearing West to a point; thence travel 237.48 feet at a bearing N61°30'24" West to a point; thence travel 126.16 feet at a bearing N73°30'07" West to a point; thence travel 74.12 feet at a bearing N52°32'01" West to a point; thence travel 122.49 feet at a bearing S87°48'19" West to a point; thence travel 100.98 feet at a bearing S69°46'53" West to a point; thence travel 110.01 feet at a bearing S35°36'28" West to a point; thence travel 74.15 feet at a bearing N41°05'15" West to the Point of Beginning; said area described contains approximately 10.74 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

22. No. 04RZ025 - 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 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 550.60 feet at a bearing S89°27'22" East to a point; Thence travel 1.39 feet at a bearing N00°32'38" East to the Point of Beginning; travel 384.90 feet at a bearing N45°54'33" East to a point; thence travel 216.00 feet at a bearing N67°49'27" East to a point; thence travel 42.13 feet at a bearing N24°43'12" East to a point; thence travel 155.08 feet at a bearing South to a point; thence travel 504.33 feet at a bearing S62°30'29" West to a point; thence travel 46.71 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 1.22 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

24. No. 04RZ027 - 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 Medium Density Residential 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 597.31 feet at a bearing S89°27'22" East to a point; Thence travel 2.02 feet at a bearing N00°32'38" East the Point of Beginning; travel 504.33 feet at a bearing N 62°30'29" East to a point; thence travel 154.61 feet at a bearing North to a point; thence travel 78.60 feet at a bearing N24°43'12" East to a point; thence travel 117.84 feet at a bearing N07°03'57" West to a point; thence travel 11.61 feet at a bearing N30°35'10" West to a point; thence travel 303.21 feet at a bearing N50°52'56" East to a point; thence travel 129.80 feet at a bearing North to a point; thence travel 424.41 feet at a bearing S45°00'00" East to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Concave Southeasterly curve with a chord bearing S05°49'05" East to a point; thence travel 61.40 feet at a bearing S44°48'23" East to a point; thence travel 340.35 feet at a bearing S22°02'42" East to a point; thence travel 1192.20 feet at a bearing N89°38'58" West to the Point of Beginning; said area described contains approximately 11.22 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

25. No. 04RZ028 - 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 General Commercial 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 1795.11 feet at a bearing S89°27'22" East to a point; Thence travel 6.07 feet at a bearing N00°32'38" East the Point of Beginning; travel 359.39 feet at a bearing N22°02'42" West to a point; travel 104.66 feet at a bearing S44°48'23" East to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Convex Southwesterly curve with a chord bearing S39°36'26" East to a point; thence travel 211.05 feet at a bearing S34°24'28" East to a point; thence travel 78.59 feet at a bearing S45°00'00" West to a point; thence travel 26.81 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 0.48 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

26. No. 04RZ029 - 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 Medium Density Residential District to General 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 1657.07 feet at a bearing S89°27'22" East to a point; thence travel 337.88 feet at a bearing N00°32'38" East the Point of Beginning; travel 61.40 feet at a bearing N44°48'23" West to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°49'05" West to a point; thence travel 47.91 feet at a bearing S45°00'00" East to a point on a curve; thence travel 178.19 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S00°08'58" West to a point; thence travel 95.96 feet at a bearing S22°02'42" East to the Point of Beginning; said area described contains approximately 0.27 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

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27. No. 04RZ030 - 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 Office Commercial District to General 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 1586.89 feet at a bearing S89°27'22" East to a point; Thence travel 618.64 feet at a bearing N00°32'38" East to the Point of Beginning; thence travel 75.39 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N44°32'12" East to a point; thence travel 219.73 feet at a bearing N55°19'07" East to a point; thence travel 33.94 feet at a bearing S34°35'20" East to a point; thence travel 157.68 feet at a bearing S55°19'17" West to a point on a curve; thence travel 132.38 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S38°49'48" West to a point; thence travel 57.91 feet at a bearing N45°00'00" West to the Point of Beginning; said area described contains approximately 0.26 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

Tucker presented the requests and reviewed the slides of the subject property and staff's recommendation to continue Items 20, 21, 22, 24, 25, 26 and 27 to the June 10, 2004 Planning Commission meeting to allow the applicant to submit an application for a Comprehensive Plan Amendment.

**Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the Rezoning from Park Forest District to Low Density Residential II District; Rezoning from Low Density Residential District to Office Commercial District; Rezoning from Low Density Residential District to Office Commercial District; Rezoning from Medium Density Residential District to Low Density Residential II District; Rezoning from Medium Density Residential District to Office Commercial District, Rezoning from General Commercial District to Office Commercial District, Rezoning from General Commercial District to Office Commercial District and a Rezoning from Office Commercial District to General Commercial District be continued to the June 10, 2004 Planning Commission meeting to allow the applicant to submit an application for a Comprehensive Plan Amendment. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

23. No. 04RZ026 - 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 Medium Density Residential District to Low Density Residential II 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 1040.99 feet at a bearing S89°27'22" East to a point; Thence travel 393.67 feet at a bearing N00°32'38" East to the Point of Beginning; travel 188.48 feet at a bearing North to a point; thence travel 16.33 feet at a bearing N50°52'56" East to a point; thence travel 11.61 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 79.09 feet at a bearing S24°43'12"

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West to the Point of Beginning; said area described contains approximately 0.09 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

Tucker presented the request and reviewed staff's recommendation.

**Schmidt moved, seconded by Nash and unanimously carried to recommend that the Rezoning from Medium Density Residential District to Low Density Residential II District be approved. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Elkins requested that Items 28 thru 30 be considered concurrently.

**\*28. No. 04PD018 - Fairway Hills P.R.D.**

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Major Amendment to a Planned Residential Development to allow townhomes** on a tract of land located within the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four



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(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

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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.

29. 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.

30. 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 (SW1/4) 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 (SW1/4) 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

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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.

Elkins advised that the applicant has requested that Items 28 thru 30 be continued to the May 27, 2004 Planning Commission meeting.

**Brown moved, seconded by Nash and unanimously carried to continue the public hearing on the Major Amendment to a 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 waive the requirement to dedicate additional right-of-way to the May 27, 2004 Planning Commission meeting. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

31. No. 04SV022 - Rohrer Subdivision

A request by Ferber Engineering Company, Inc. for Cregut Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width, to waive the requirement to install curb and gutter and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive.

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

In response to a question by Nash, Elkins advised that the certified mailings have been returned.

Jim Jester, 4816 Whispering Pines Drive, expressed concerns with drainage, excavated dirt that was piled at Okpeluk Street and Sheridan Lake Road and the condition of the silt fence. He added that he was in agreement with staff's recommendation.

Discussion followed concerning the narrow ditches along the north side of the section line highway, drainage issues and impacts on adjacent properties.

Bob Brandt, Gustafson Builders, explained that the applicant plans to complete the landscaping by the end of the summer. He added that the excavated dirt would be leveled and hydro seeded.



**DRAFT**

Lengthy discussion followed concerning the Variance to the Subdivision Regulations to reduce the right-of-way width and to waive the requirement to install curb and gutter.

Brandt stated that the applicant would like to reduce the right-of-way width from 59 feet to 40 feet, reshape the ditch, install a new culvert and use recycled asphalt. He expressed concerns with being required to build a commercial street and asked the Planning Commission to allow the applicant to build the road to City Street Design Criteria standards later when additional development occurs in the area.

Nash expressed concerns with the applicant not completing the infrastructure improvements now.

Jester stated that he supports the fitness center and the facility that the applicant has built but concurred with Nash.

Dixie Lecy, Central and Stevens High School Tennis Coach, explained that Rapid City has been selected as the location for the State Tennis Tournament. She stated that in her opinion the fitness center would be an asset to the City and students.

**Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the Variance to the Subdivision regulations to allow platting half a section line right-of-way be approved and that the Variance to the Subdivision Regulations to reduce the right-of-way width from 59 feet to 40 feet and to waive the requirement to install curb and gutter be denied. (5 to 0 with Brown, Henning, Nash, Prairie Chicken and Schmidt voting yes, none voting no and Hoffmann abstaining)**

Elkins requested that Items 32 and 33 be considered concurrently.

32. No. 04PL048 - Minnesota Ridge Heights Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

33. No. 04SV023 - Minnesota Ridge Heights Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide 50 feet of right-of-way on Middle Valley Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.



**DRAFT**

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

Roger Floyd, 4047 Recluse Court, expressed concerns with the topographic constraints of the area, future development, grades and drainage.

Lengthy discussion followed concerning the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way along Middle Valley Drive, discontinuous street sections, access and the future development to the west of the subject property.

**Nash moved, seconded by Henning and unanimously carried to recommend that the 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 redlined drawings. In addition, the redlined drawings shall be returned;**
- 2. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;**
- 3. A Special Exception is hereby granted to allow access to Lots 7, 8 and 9 from Minnesota Street in lieu of Ridge Heights Court, the lesser order street, as per the Street Design Criteria Manual;**
- 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Minnesota Street as it abuts Lot 1;**
- 5. All Uniform Fire Codes shall be continually met;**
- 6. Prior to Preliminary Plat approval by the City Council, a road connection shall be provided to the south lot line or a Master Plan of the adjacent property(s) shall be submitted for review and approval demonstrating that the road connection is not needed. At a minimum, parallel water mains shall be extended to the south lot line for the Terracita High and the Robbinsdale Water Zones;**
- 7. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
- 8. Upon submittal of the 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; and,**

**that the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way along Middle Valley Drive be approved. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

**\*34. 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.

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

Discussion followed concerning uses that are appropriate in residential neighborhoods.

Janelle Finck, Fisk Land Surveying and Consulting Engineers, stated that the applicant has been searching for an appropriate site for their new church for quite some time and wanted to remain in the North Rapid Neighborhood area. She added that in her opinion the church would be a nice addition to the neighborhood.

Nash expressed concerns with churches in residential areas that expand and the impacts on the neighborhood.

**Nash moved, seconded by Brown and unanimously carried to approve the Conditional Use Permit to allow a church in a High Density Residential Zoning District be approved with the following stipulations:**

- 1. Prior to issuance of a Building Permit, the drainage capacity in Morningside Drainage Basin Design Plan, Element 55, and all downstream elements must be verified;**
- 2. All applicable provisions of the Uniform Fire Codes shall be continually met;**
- 3. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
- 4. Prior to Planning Commission approval, Final Plat approval must be obtained;**
- 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 6. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 7. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**
- 8. 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. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

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

34A. No. 04SR025 - Dairyland Subdivision

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL**

**DRAFT**

**Review to allow construction of a parking lot and to modify an existing parking lot to accommodate a pedestrian walkway** on Lot 4 of Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1515 Sedivy Lane.

Tucker presented the request and staff's recommendation.

**Nash moved, seconded by Prairie Chicken and unanimously carried to approve the 11-6-19 SDCL Review to allow construction of a parking lot and to modify an existing parking lot to accommodate a pedestrian walkway with the following stipulation:**

- 1. Prior to initiation of construction, a Building Permit must be obtained. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

35. Discussion Items

None

36. Staff Items

- A. Proposed Committee to Review List of Conditional Uses

Elkins explained that the proposed Committee to Review List of Conditional Uses would consist of two Planning Commissioners, two staff members and two members from the City Council to review permit uses. She explained that a new state law goes into effect in July concerning the way Conditional Use Permits are reviewed.

Nash and Brown volunteered to be on the committee.

- B. Annual Report

Elkins advised that Rise Ficken and Sharlene Mitchell prepared the Annual Report and thanked both for an excellent job.

- C. Planning Commission Tour

Elkins advised that the Planning Commission tour of the Elmhurst Drive area has been scheduled for Tuesday, May 11, 2004 at 4:30 p.m.

37. Planning Commission Items

- A. Committee to Review 40 Unit Rule

In response to a question by Brown, Elkins advised that she would check with City Councilperson Partridge on the status of the committee to review the 40-unit rule.

- B. City Council Report (April 19, 2004)

In response to a question by Prairie Chicken, Henning advised that the City Council concurred with the recommendations of the Planning Commission.

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Discussion followed concerning the Ordinance Modifying the Notification Requirements for a Planned Development Designation (PDD) by amending Section 17.50.060 of the Rapid City Municipal Code.

Elkins explained that City Council continued the ordinance amendment to the May 17, 2004 City Council meeting to allow the Planning Commission time to review the ordinance amendment. Elkins added that staff would have a draft ordinance prepared for the Planning Commission to review at the May 27, 2004 Planning Commission meeting.

**There being no further business Schmidt moved, seconded by Brown and unanimously carried to adjourn the meeting at 8:25 a.m. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**