

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 10, 2004

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

STAFF PRESENT: Marcia Elkins, Karen Bulman, Todd Tucker, Vicki Fisher, Renee Catron-Blair, Bill Knight, Joel Landeen, Curt Huus, Sig Zvejnieks, Dave Johnson, and Nadine Bauer

Chairperson Hoffmann called the meeting to order at 7:01 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 Items 1, 10, 12 and 13 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 14 in accordance with the staff recommendations with the exception of Items 1, 10, 12 and 13. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. No. 04AN004 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the NE1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at a point on the center quarter corner of Section 3, T1N, R8E, BHM, being the Point of Beginning S01°55'13"W 32.76 feet; thence S00°11'11"E 88.67 feet; thence S00°09'00"E 534.94 feet; thence S00°14'00"E 78.04 feet; thence S00°08'24"E 79.09 feet; thence S00°25'02"E 76.82 feet; thence S00°25'12"E 131.95 feet; thence S89°43'28"W 227.75 feet; thence along a curve of said right-of-way Degeest Drive to the left having a radius of 209.15 feet through a central angle of 04°06'34" 15.00 feet along said curve of said right-of-way Degeest Drive; thence N89°45'15"E 100.33 feet; thence N00°15'47"W 114.37 feet; thence N45°19'06"W 155.71 feet; thence N40°36'54"W 801.34 feet; thence N28°02'56"W 84.11 feet; thence N10°47'21"W 75.92 feet; thence N89°56'03"E 9.86 feet; thence N00°09'17"W 26.01 feet; thence N89°56'03"E 802.06 feet; to the Point of Beginning; containing 11.00 acres more or less, more generally described as being located east of Degeest Drive and north of Avenue A.

Planning Commission recommended that the Petition for Annexation be approved.

3. No. 04PL065 - South Gate Subdivision

DRAFT

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Preliminary Plat** on Lots 1 of South Gate Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 5th Street along Sidewinder Boulevard.

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

1. Prior to Preliminary Plat approval by the City Council, storm sewer capacity along the north lot line shall be verified. In addition, an overflow channel shall be provided if necessary;
 2. Prior to Preliminary Plat approval by the City Council, the adjacent property owner shall sign the petition to vacate the section line highway located along the west lot line of the subject property. In addition, the entire section line highway shall be vacated or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
 3. Upon submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sidewinder Boulevard as per the Street Design Criteria Manual. In addition, the plat document shall be revised to provide a shared approach in the southeast corner of the subject property as shown on the Layout Plat;
 4. Upon submittal of the Final Plat, the plat document shall be revised to show the name of Sidewinder Boulevard as Stumer Road;
 5. Prior to submittal of the Final Plat, the plat document shall be revised to show an alternate subdivision name as reviewed and approved by the Register of Deed's Office. In addition, the plat document shall be revised to show "located in" or "formerly" in the plat title;
 6. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat;
 7. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and
 8. Upon submittal of the Final Plat, surety for the design and construction of Sidewinder Boulevard for any required subdivision improvements that are not a part of the Fifth Street construction project shall be posted and the subdivision inspection fee shall be paid.
4. No. 04PL066 - Grandview Tract and Parkridge Village No. 2
A request by Sperlich Consulting Inc. for Richard Huffman to consider an application for a **Layout Plat** on Lots 5R and 6R of Lot 3 of Block 4 of Grandview Tract; and, Lot 4 of Block 2 of Parkridge Village No. 2; all located in the SW1/4 of the NE1/4, the NW1/4 of the NE1/4, and the SE1/4 of the NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 5 and 6 of Lot 3 of Block 4 of Grandview Tract, a portion of the SW1/4 of the NE1/4 and a portion of the NW1/4 of the NE1/4 of Section 16; a portion of the SW1/4 of the NE1/4 of Section 16; all located in the SW1/4 of the NE1/4, the NW1/4 of the NE1/4, and the SE1/4 of the NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Park Drive.

DRAFT

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

- 1. Upon submittal of a Preliminary Plat, construction plans showing the extension of a sewer main from Park Drive to Ponderosa Court shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show public utility easements as needed;**
- 2. Upon submittal of a Preliminary Plat, the applicant shall demonstrate that adequate domestic and fire flows are being provided from the existing community well. In addition, the plat document shall be revised to show public utility easements as needed;**
- 3. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of 20 additional feet of right-of-way along Park Drive or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat, a note be placed on the plat document stating that "a detailed grading and drainage plan for Lot 4 shall be submitted for review and approval prior to issuance of a building permit. In addition, the top of the driveway shall not exceed the existing elevation of the existing detention cell embankment".**
- 5. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the major drainage easement following the 3434 contour;**
- 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 existing drainage structure with elevations shall be shown on the topographic information and submitted for review and approval;**
- 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a ten foot wide planting screen easement along Park Drive or a Variance to the Subdivision Regulations shall be obtained; 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.**

5. No. 04PL067 - Skyline Pines Subdivision

A request by Sperlich Consulting Inc. for Tom Gagliano to consider an application for a **Layout Plat** on Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Pevans Parkway and 3289 Sandstone Lane.

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

- 1. Upon submittal of a Preliminary Plat, the previously submitted geotechnical information shall be reviewed to insure that slope stability exists for the proposed building envelope(s);**
- 2. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for**

DRAFT

review and approval. In particular, access to proposed Lot 8A, across a Major Drainage Easement, shall be constructed in compliance with that drainage plan. In addition, the plat document shall be revised to provide drainage easements as needed;

3. Upon submittal of a Preliminary Plat, road construction plans for Sandstone Lane shall be submitted for review and approval. In particular, the construction plans shall show the street 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. In addition, the plat document shall be revised to dedicate an additional 3.5 feet of right-of-way along Sandstone Lane;
4. Upon submittal of a Preliminary Plat, road construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide right-of-way, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat, construction plans showing the extension of a sewer main from Pevans Parkway to proposed Lot 8B shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show public utility easements as needed;
7. All Uniform Fire Codes shall be continually met;
8. Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall concur with the location of the new lot line and utility easement or the plat document shall be revised to retain an eight foot wide utility easement along the previous lot line;
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. 04PL068 - Darlington Estates

A request by Centerline Inc. for Magheramore, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 9, Block 1, Darlington Estates, located in the Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lamb Road and Old Folsom Road.

DRAFT

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

- 1. Prior to Preliminary Plat approval by the City Council, a sediment and erosion control plan shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, geotechnical information identifying the pavement design shall be submitted for review and approval;**
- 3. 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 address the road ditch and culvert crossing designs as well as increased run-off and changes in grading specific to the development. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, data to confirm that on-site well(s) have sufficient flows and water quality shall be submitted for review and approval;**
- 5. Prior to Preliminary Plat approval by the City Council, percolation information representative of the subject property shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, construction plans for the north-south section line highway shall be submitted for review and approval. The section line highway shall be constructed to City standards with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the street improvement or the section line highway shall be vacated or re-located;**
- 7. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a "No Outlet" sign at the start of the cul-de-sac bulb for Kimberwick Drive;**
- 8. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along Old Folsom Road or a Variance to the Subdivision Regulations shall be obtained;**
- 9. 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 to the Engineering Division;**
- 10. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest the future assessment for the construction of curb, gutter, street light conduit, water and sewer along the interior streets and Old Folsom Road and Lamb Road as they abut the subject property;**
- 11. Prior to submittal of a Final Plat, an alternate road name for Pelham Place shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;**
- 12. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat;**

DRAFT

13. Prior to submittal of a Final Plat, the plat document shall be revised to show a non-access easement along the first 115 feet of Pelham Place and Kimberwick Drive as they extend south from Lamb Road as per the Street Design Criteria Manual;
14. Prior to submittal of a Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit";
15. Upon submittal of the Final Plat, a road maintenance agreement for Pelham Place and Kimberwick Drive shall be submitted for review and approval;
16. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
17. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

7. 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.

Planning Commission recommended that the 11-6-19 SDCL Review to allow expansion of a utility substation be continued to the June 24, 2004 Planning Commission meeting to allow the City Council to review the proposed agreement.

8. No. 04SR023 - Section 28, T2N, R8E

A request by Rick Himmelspace for Montana Dakota Utilities Company to consider an application for an **11-6-19 SDCL Review to allow a 16 foot wide utility easement** on the unplatted portion of S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Elk Vale Road.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a 16 foot wide utility easement for the construction of utilities on public property be continued to the June 24, 2004 Planning Commission meeting to allow time for the applicant's request to be heard by City Council at the June 7, 2004 City Council meeting.

9. No. 04SR027 - Section 5, T1N, R8E

A request by the U.S. Department of Energy - Western Area Power Administration (WAPA) to consider an application for an **11-6-19 SDCL Review to allow construction of a secondary oil containment structure** on Lot K-2S of Lot 4 of NW1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1402 East Highway 44.

DRAFT

Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of a secondary oil containment structure be approved with the following stipulations:

1. **Prior to construction, site plans and drawings of containment construction shall be submitted to Fire Prevention for review; and,**
2. **All applicable provisions of the Uniform Fire Codes shall be continually met.**

11. No. 04SR030 - Original Town of Rapid City

A request by the City/School Administration Center to consider an application for an **11-6-19 SDCL Review to allow the construction of a sign on public property** on Parcels 1 and 2; Lots 1 thru 16 less Lot H1 of Lots 1 thru 13; Lot A; Parcel 5 and 6 less Lot H1 of Parcel 6; vacated alley less Lot H1 (also in Section 1, T1N, R7E); Block 65; Original Town of Rapid City, Pennington County, South Dakota, more generally described as being located at 300 Sixth Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a sign on public property be approved with the following stipulations:

Engineering Division Recommendations:

1. **A Sign Permit shall be obtained prior to installation of the sign; and,**
2. **The proposed sign shall be located a minimum of ten feet from the west property line.**

14. No. 04VE013 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Vacation of a Non-Access Easement** on Lot 16, Block 11, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Muirfield Drive and west of Maidstone Court.

Planning Commission recommended that the Vacation of a Non-Access easement be approved.

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

1. Approval of the May 27, 2004 Planning Commission Meeting Minutes.

Elkins explained that City Council Representative Kooiker requested that staff prepare some revisions to the discussion on Item 15 from the May 27, 2004 Planning Commission meeting minutes regarding the ordinance amendment to modify the notification requirements for the Planned Development Designation (PDD) by amending Section 17.50. 060 of the Rapid City Municipal Code. She requested that the Planning Commission review the revisions that had been distributed on the dais.

In response to a question by Hoffmann, Elkins advised that Kooiker wanted more detail provided on why the Planning Commission recommended denial of the ordinance amendment.

DRAFT

Brown moved, seconded by Stone and unanimously carried to approve the May 27, 2004 Planning Commission meeting minutes with the revisions to the discussion on Item 15. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

10. No. 04SR028 - Rapid City Greenway Tract - A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow a public use in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Elkins state that there were some stipulations that needed to be met prior to Planning Commission approval which have not been met. She stated that the Parks Department has not had an opportunity to prepare a maintenance agreement. She explained that the Parks and Recreation Director has indicated that they intend to have a contract in place to take care of the maintenance once a week. She further explained that in order to facilitate the use, the Planning Commission could approve the 11-6-19 SDCL Review with stipulation 3 being revised to require that the maintenance agreement be provided prior to initiation of the use.

Wevik moved and seconded by Prairie Chicken to recommend that the 11-6-19 SDCL Review to allow a public use in a public place be approved with the following stipulations:

- 1. Vendor booths shall not occupy any off street parking stalls;**
- 2. Prior to Planning Commission approval, a revised site plan shall be submitted showing the location of any portable restrooms to be provided for the Farmer's Market;**
- 3. Prior to initiation of the use, a copy of the maintenance and pumping contract for any portable restrooms to be provided for the Farmer's Market shall be submitted;**
- 4. All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;**
- 5. Prior to location on the site, information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to Fire Prevention to insure all applicable provisions of the Uniform Fire Code are being met;**
- 6. 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; and,**
- 7. The Farmer's Market shall be authorized for 2004 only; a new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in subsequent years.**

Carlton Peterson, Farmer's Market, asked that the Planning Commission remove Stipulation 4. He stated that the applicant would like to be able to leave the portable restrooms secured on site nightly.

Elkins explained that the property is located in the 100 year flood plain and since the structure is not being elevated, the structure needs to be removed. She added that there is no requirement that portable restrooms be provided for this use. She added that the applicant has a couple of options: 1) no portable restrooms provided, or, 2) a permanent structure could be placed on the site, which is the intention of the City. She added that the City has plans for construction of a restroom in the future but that would not be available this summer. Elkins noted that the applicant could request a special exception to the flood regulations.

Wevik stated that in his opinion the applicant had several options available should they decide that they did not want to remove the portable restrooms nightly and that the motion on the floor is appropriate.

Nash suggested that the portable restrooms be trailer mounted.

Elkins stated that staff does appreciate the effort that it will take by the applicant to remove the portable restrooms nightly and understands the applicant's concern but there are some limitations that staff has to work within.

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

- 1. Vendor booths shall not occupy any off street parking stalls;**
 - 2. Prior to Planning Commission approval, a revised site plan shall be submitted showing the location of any portable restrooms to be provided for the Farmer's Market;**
 - 3. Prior to initiation of the use, a copy of the maintenance and pumping contract for any portable restrooms to be provided for the Farmer's Market shall be submitted;**
 - 4. All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;**
 - 5. Prior to location on the site, information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to Fire Prevention to insure all applicable provisions of the Uniform Fire Code are being met;**
 - 6. 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; and,**
 - 7. The Farmer's Market shall be authorized for 2004 only; a new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in subsequent years. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)**
12. No. 04SR031 - Millard Addition
A request by Thurston Design Group, LLP for Rapid City Area School District #51-4 to consider an application for an **11-6-19 SDCL Review to allow placement of two existing buildings on public property** on School Lot, Block 12, Millard Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more

generally described as being located at 10 Van Buren Street.

Elkins stated that the applicant is present and is requesting that the permanent improvements identified in the stipulations of approval be delayed for a period of three years. She further explained that the Rapid City Area School District #51-4 is looking at alternatives for permanent improvements to this site or another acceptable site to address the needs of the School District. She added that the applicant would need to come back for a full review at the end of the three year period if the temporary classrooms are still on site. Elkins stated that the Fire Department has indicated that they are comfortable with the stipulations of approval as long as there is a review after the third year.

Mike Kenton, Rapid City Area School District #51-4, stated that the applicant concurs with the revised stipulations. He added that the School District is looking at a number of options for this area.

In response to a question by Nash, Elkins advised that the applicant would like stipulations 3 and 4 removed and for the Planning Commission to allow the 11-6-19 SDCL Review to be valid for a three year period.

Nash moved, seconded by Stone and unanimously carried to recommend that the 11-6-19 SDCL Review to allow placement of two existing buildings on public property be approved for a three year period with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
- 2. Prior to Planning Commission approval documentation regarding the number of on-site staff for the school shall be provide to insure that adequate on site parking is provided;**
- 4. Prior to Planning Commission approval, a revised site plan shall be submitted showing all fire hydrants within 500 feet of the property; and,**
- 5. All applicable fire and life safety provisions of the Uniform Fire Code shall be continually met. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)**

13. No. 04SR032 - Rapid City Greenway Tract

A request by Larry Dale for the Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review to allow concession tents or a trailer 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 444 Mt. Rushmore Road North.

Elkins advised that Bulman had distributed a revised site plan on the dais for Planning Commission review. She reviewed City Council's action regarding the reduction of parking spaces, parking regulations for a Civic Center Zoning District and staff's revised recommendation.

Stone moved, seconded by Nash and unanimously carried to recommend that

DRAFT

the 11-6-19 SDCL Review to allow concession tents or a trailer in a public place be approved with the following stipulations:

1. 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 or other facilities as required by the Fire Code;
2. 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;
3. All requirements of the Flood Area Construction Regulations, Chapter 15.32, shall be met at all times;
4. 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 as per the State Plumbing Code;
5. A Temporary Use Permit shall be obtained prior to initiation of the event;
6. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
7. The grounds shall be cleaned after the event and shall be continually kept clear of debris and trash;
8. The proposed event shall be allowed to operate from June 15 to June 19, 2004;
9. The area serving on-sale liquor must be double-fenced with a minimum of eight feet between fences;
10. Two exits with security must be provided for the fenced area;
11. Portable toilets must be provided within the fenced area; and,
12. Prior to the initiation of any event, parking shall be provided as required by the City Council. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 15 through 39 were hereby opened.

Staff requested that Items 31 and 32 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration. Nash requested that Item 37 be removed from the Hearing Consent Agenda for separate consideration.

Wevik moved, seconded by Brown and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 through 39 in accordance with the staff recommendations with the exception of Items 17, 31, 32 and 37. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

The Public Hearings on Items 15 through 39 were hereby closed.

DRAFT

15. No. 04CA018 - Fountain Springs Business Park

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

16. No. 04CA020 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.22 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** 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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.22 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development be approved.

18. No. 04CA021 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an 11.22 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** 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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an 11.22 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development be approved.

19. 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.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

20. No. 04CA022 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to

consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.48 acre parcel from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development** 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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.48 acre parcel from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development be approved.

21. 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.

Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

22. No. 04CA023 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.27 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** 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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.27 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development be approved.

23. 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.

Planning Commission recommended that the Rezoning from Medium Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

24. No. 04CA024 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.26 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** 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 the Point of Beginning; thence travel 75.39 feet along a

DRAFT

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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.26 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be approved.

25. 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 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.

Planning Commission recommended that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

26. No. 04CA025 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** 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; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel

DRAFT

136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development be approved.

27. No. 04RZ032 - 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; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

Planning Commission recommended that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

28. No. 04CA026 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.78 acre parcel from Park Forest to Low Density Residential II with a Planned Residential Development** 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 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.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.78 acre

DRAFT

parcel from Park Forest to Low Density Residential II with a Planned Residential Development be approved.

29. 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 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.

Planning Commission recommended that the Rezoning from Park Forest District to Low Density Residential II District be approved in conjunction with the associated Comprehensive Plan Amendment.

30. 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.

DRAFT

Planning Commission recommended acknowledging the applicant's request to withdraw the application for a Rezoning from Low Density Residential District to Office Commercial District.

33. No. 04CA027 - Nowlin and Wood Addition

A request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC to consider an application for an **Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Map from Medium Density Residential to General Commercial with a Planned Development Designation** on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North Lacrosse Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Map from Medium Density Residential to General Commercial with a Planned Development Designation be approved in conjunction with the associated Planned Development Designation and Rezoning request.

*34. No. 04PD032 - Nowlin and Wood Addition

A request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC to consider an application for a **Planned Development Designation** on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North Lacrosse Street.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated Rezoning and Comprehensive Plan Amendment requests, with the condition that no sign permits or billboards be allowed unless approved as part of a Final Development Plan.

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

35. No. 04RZ033 - Nowlin and Wood Addition

A request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District with a Planned Development Designation** on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the

DRAFT

NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North Lacrosse Street.

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

*36. No. 04PD031 - Elks Country Estates

A request by Sperlich Consulting Inc. for Bill and Beverly Whitney to consider an application for a **Major Amendment to a Planned Residential Development to reduce setbacks** on Lot 3, Block 8, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Hazeltine Court.

Planning Commission approved the Planned Residential Development to reduce setbacks with the following stipulations:

1. **A minimum front yard setback of 18 feet in front of any garage doors and a minimum 15 feet in front of the residence or the front yards with a minimum rear yard setback of 25 feet shall be provided;**
2. **All access to Lot 3, Block 8, Elks Country Estates shall come from Hazeltine Court;**
3. **That phasing of the balance of the proposed development be reviewed with the submission of each proposed Preliminary Plat;**
4. **That the specific development plans for the balance of the development be reviewed and approved in conjunction with the submission of each proposed Preliminary Plat;**
5. **That all development meet the setback, height, area and density requirements specified on the approved plan or, if not specified, the standard requirements of the Zoning Ordinance unless an amendment is approved; and,**
6. **That any amendment to the approved plan be reviewed and approved under the appropriate minor or major amendment procedure for a Planned Residential Development.**

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

38. No. 04SV033 - Minnesota Park Subdivision

A request by Sperlich Consulting Inc. for Walgar Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 2 of Block 1,

DRAFT

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 Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved.

*39. No. 01UR042 - Section 23, T1N, R7E

A request by the City of Rapid City to consider an application for a **Revocation of a Use on Review to allow Communication Tower in Public District** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission continued the public hearing on the Revocation of a Use on Review to allow Communication Tower in Public District to the September 9, 2004 Planning Commission meeting at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

17. 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.

Prairie Chicken noted a typing error on the recommendation for this item on the electronic agenda. Elkins thanked Prairie Chicken for catching the error.

Prairie Chicken moved, seconded by Wevik and unanimously carried to recommend that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment request. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

Fisher requested that Items 31 and 32 be considered concurrently.

31. No. 04SV031 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** 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; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; 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 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

32. No. 04SV032 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** 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; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Fisher explained that the applicant has requested that Items 31 and 32 be

DRAFT

continued to the June 24, 2004 Planning Commission meeting and that staff concurs with the applicant's request.

Stone moved, seconded by Nash and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 24, 2004 Planning Commission meeting at the applicant's request. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)

37. No. 04SV030 - MJK Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet** on Lots 2 thru 5, Block 10; and, Lots 17 thru 20, Block 8; all located in MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Parcel C less the Meadows Subdivision and less right-of-way MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Field View Drive.

Nash advised that he had this item removed from the Hearing Consent Agenda to allow him to abstain from voting.

Wevik moved, seconded by Prairie Chicken and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet be approved with the following stipulation:

1. **That a ten foot wide public utility and pedestrian access easement shall be provided along the north lot line of the subject property. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

*40. No. 04PD028 - Harter Tract

A request by Kent Kennedy for Bart and Helen Boos to consider an application for a **Planned Residential Development - Initial Development Plan** on the east 5 feet of Lot 12; Lots 13 and 14; the east 5 feet and the west 20 feet of the south 29.66 feet less the south 0.9 feet of Lot 16; Lots 17-18 less the south 0.9 feet all of Lot I of the NW1/4 NE1/4 known as Harter Tract (Clower), all in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 655 Plum Tree Lane.

Elkins stated that this item was placed on the Non-Consent Calendar because there were some outstanding legal issues relative to rights-of-way and easements. She stated that all of those outstanding issues were resolved late last week and staff is

DRAFT

recommending approval with stipulations. She expressed her appreciation for Mr. Kennedy's assistance in resolving those issues.

In response to a question by Nash, Kent Kennedy, agent for Bart and Helen Boos, indicated that the applicant agreed to the stipulations of approval.

Nash moved, seconded by Stone and unanimously carried to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

- 1. Upon submittal of a Final Residential Development Plan, a sign package shall be submitted for any on site signage;**
- 2. Upon submittal of a Final Residential Development Plan, the site plan shall be revised to show a minimum of one paved access to all off street parking areas;**
- 3. Upon submittal of a Final Residential Development Plan, documentation shall be provided showing that the paved road providing the legal access to the off-street parking areas on the property shall be located in public right-of-way or a recorded easement;**
- 4. The proposed new structure shall be fully fire sprinkled and alarmed;**
- 5. Upon submittal of a Final Residential Development Plan, calculations and design fire flows for the proposed development shall be submitted for review and approval;**
- 6. Upon submittal of a Final Residential Development Plan, a revised site plan shall be submitted showing sewer connection to a main;**
- 7. Upon submittal of a Final Residential Development Plan, a final drainage plan and calculations shall be submitted for review and approval; and,**
- 8. Prior to submission of the Final Development Plan application, the applicant shall bring the existing three unit apartment building into compliance with all applicable City ordinances and obtain a Certificate of Occupancy for the three dwelling units. (7 to 0 with Brown, Fast Wolf, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and none voting no)**

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

41. Discussion Items

A. Canyon Lake Neighborhood Issues

Discussion followed concerning the tour that the Planning Commission members took of the Canyon Lake Neighborhood area and neighbors concerns.

Further discussion followed concerning traffic flow, street improvements, parking, screening, drainage and large apartment complexes in the Canyon Lake area.

The Planning Commission requested that staff prepare several options that address the conflicts between the existing single family residential and the larger apartment complexes that are allowed in Medium Density Residential District and to place this discussion item on the June 24, 2004 Planning Commission meeting.

B. Update on Administrative Approval of Final Plats

Elkins stated that a memo reviewing the implementation of the new Administrative Approval of Final Plats procedures was included in the Planning Commission packet. She stated that staff has been pleased with the process and added that most applications are approved more quickly than the 13 working days. Elkins thanked Fisher for her assistance in implementing this process.

42. Staff Items

A. Open House - Airport Neighborhood Area Future Land Use Plan

Elkins reminded the Planning Commission of the Airport Neighborhood Area Future Land Use Plan Open House scheduled for Monday, June 14, 2004 at the Rapid Valley Volunteer Fire Station, 5500 East Highway 44, from 5:30 to 7:00 p.m. Elkins encouraged the Planning Commissioners to stop by.

43. Planning Commission Items

A. Growth Management Department Staffing

In response to a question by Nash, Elkins stated that a conditional offer of employment has been made to an individual to fill the Future Land Use Planner position. She stated that the other open positions are in the Development Service Center Division and have just recently closed but have not moved forward yet.

B. City Council Representative

In response to a question by Hoffmann, Elkins advised that Kooiker is still the City Council representative to the Planning Commission until the reassignment of Council members, which should occur in July after the new Council members take office.

44. Committee Reports

In response to a question by Prairie Chicken, Elkins advised that Brown attended the June 7, 2004 City Council meeting. She advised that a new list of Planning Commissioner assignments for City Council meetings will be distributed after the new Planning Commissioner appointments have been made by the Mayor.

There being no further business Prairie Chicken moved, seconded by Brown and unanimously carried to adjourn the meeting at 78:55 a.m. (6 to 0 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken and Schmidt voting yes and none voting

DRAFT

no)