

**Draft**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 9, 2004

MEMBERS PRESENT: Peter Anderson, Debra Hadcock, Mike Lemay, Scott Nash, Mel Prairie Chicken, Martha Rodriguez and Ethan Schmidt; Karen Olson, Council Liaison, was also present

STAFF PRESENT: Karen Bulman, Renee Catron Blair, Marcia Elkins, Vicki Fisher, Curt Huus, Dave Johnson, Bill Knight, Jason Green, Todd Tucker and Risë Ficken

**Chairperson Nash called the meeting to order at 7:00 a.m.**

**Nash 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 6 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 8 in accordance with the staff recommendations with the exception of Item 6. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

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

1. Approval of the August 12, 2004 and August 26, 2004 Planning Commission Meeting Minutes.
2. No. 04PL093 – Commerce Park Subdivision  
A request by Sperlich Consulting, Inc. for Robert Scull to consider an application for a **Preliminary Plat** on Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Rand Road and Commerce Road.

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

1. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, plans showing structures and driveway approach locations for the property and adjacent properties shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a grading plan for Lot 1 and Lot 2 including existing and proposed grades and sediment**

and erosion control plans for all improved areas, shall be submitted for review and approval;

4. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the existing and proposed water lines and appurtenances, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide additional hydrants shall be obtained;
  5. Prior to Preliminary Plat approval by the City Council, road construction plans for Commerce Road shall be submitted for review and approval. In particular, road construction plans shall show Commerce Road located in a minimum 100 foot right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained;
  6. Prior to Preliminary Plat approval by the City Council, road construction plans for Rand Road shall be submitted for review and approval. In particular, road construction plans shall show Rand Road located in a minimum 60 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained;
  7. Prior to Preliminary Plat approval by the Planning Commission, survey plans identifying existing subdivision improvements including, but not limited to water mains, lines and fire hydrants, sanitary sewer mains and service lines, utility locations, manhole elevations and pavement widths shall be submitted for review and approval;
  8. Prior to submittal of a Final Plat, the plat document shall be revised eliminating the separate Drainage Lot, or all water and sewer connection fees associated with the Drainage Lot shall be paid;
  9. Prior to submittal of a Final Plat, the applicant shall submit a revised plat document to show portions of the existing permanent drainage easement to be vacated; and,
  10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
3. No. 04PL109 – Owen Hibbard Subdivision  
A request by Black Hills Surveying to consider an application for a **Layout Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Golden Eagle Drive and South Highway 16 Service Road.

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

1. Upon submittal of the Preliminary Plat application, a drawing showing

existing topographical information, existing utilities and service line connections and streets for the entire property shall be submitted for review and approval;

2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met;
6. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates;
7. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
8. Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, road construction plans shall show U.S. Highway 16 located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained;
9. Prior to Preliminary Plat approval by the City Council, road construction plans for Promise Road shall be submitted for review and approval. In particular, road construction plans shall show Promise Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained; and,
10. Prior to Preliminary Plat approval by the City Council, road construction plans for Golden Eagle Drive shall be submitted for review and approval. In particular, road construction plans shall show Golden Eagle Drive located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way.

4. No. 04PL112 – Overlook Subdivision  
A request by Centerline for Olsen Development Co., Inc. to consider an

application for a **Layout Plat** on Lot 5A and 5B of Lot 5, Overlook Subdivision, Section 2, T1N R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5, Overlook Subdivision, Section 2, T1N R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Fulton Street.

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

1. **Prior to Preliminary Plat approval by the City Council, a drawing showing existing conditions, including topographical information, structural improvements, existing utilities and approaches for the entire property shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, documentation identifying the right to use the private access easement located on Tract A of Parcel No. 1 of Valentine Addition shall be provided or evidence of alternative access to proposed Lot 5A shall be identified;**
3. **Prior to Preliminary Plat approval by the City Council, a geology or geotechnical engineering report shall be submitted for the subject property. In particular, the report shall review the parcel for slope stability and identify potentially unstable areas on which development should be restricted pending specific analysis or design solutions;**
4. **Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
5. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
6. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
7. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
8. **Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
9. **Upon submittal of the Preliminary Plat application, road construction plans for West Fulton Street shall be submitted for review and approval. In particular, the plans shall show the construction of West Fulton Street with curb, gutter, sidewalk, street light conduit, sewer and water in accordance with City design standards, including a permanent turnaround at the end of the cul-de-sac street with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**

10. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of water, sewer and private utilities through the subject property as well as to adjacent properties;
11. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, the plat document shall be revised to read, "Lots 5A and 5B of Overlook Subdivision" and "West Fulton Street";
13. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
14. Upon submittal of a 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. 04PL113 – Severson Subdivision

A request by Wyss Associates for Jean T. Severson to consider an application for a **Layout Plat** on Lot A and Lot B of Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Park Drive northeast of Southwest Middle School.

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

1. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates;
2. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
3. Upon submittal of the Preliminary Plat, construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 45 foot wide right-of-way and a 20 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained or a 40 foot wide by 40 foot wide shared approach shall be shown on the plat document in lieu of the access easement and shall be constructed as a reinforced driveway approach;
4. Prior to submittal of a Final Plat application, the plat document shall show non-access easements being provided along the street frontage except for the approved approach location;
5. Upon submittal of the Preliminary Plat application, a drawing showing existing topographical information, existing utilities and service line connections to proposed units and surface features for the entire property shall be submitted for review and approval;
6. Upon submittal of the Preliminary Plat application, all Uniform Fire

**Codes shall be continually met;**

7. **Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
8. **Upon submittal of the Preliminary Plat application, sidewalk plans along Park Drive as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
9. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; and,**
10. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.**

7. No. 04SR050 – Blakes Addition

A request by Pennington County Housing to consider an application for a **SDCL Section 11-6-19 Review to allow the demolition of structures on public property** on Lots 21-34 and 40 feet of East Saint Louis Street between Racine Street and LaCrosse Street, Block 16, Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 101 and 115 LaCrosse Street.

**Planning Commission approved the SDCL Section 11-6-19 Review to allow the demolition of structures on public property with the following stipulations:**

1. **Prior to any demolition on the subject property, a Demolition Permit shall be obtained;**
2. **Prior to issuance of a Demolition Permit, an erosion control plan for surface restoration shall be submitted for review and approval;**
3. **The applicant must maintain best management practices of the property until the surface restoration has been completed;**
4. **Prior to any future construction on the subject property, a separate SDCL 11-6-19 Review shall be approved; and,**
5. **Prior to any future construction on the property, a Building Permit must be obtained.**

8. No. 04SR051 – Rapid City Greenway Tracts

A request by David P. Wittnebel for Story Book Island Board of Directors to consider an application for a **SDCL Section 11-6-19 Review to allow the construction of an addition to an existing structure located on public property** on Tract 8, Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Story Book Island.



**Planning Commission approved the SDCL Section 11-6-19 Review to allow the construction of an addition to an existing structure located on public property with the following stipulations:**

- 1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
- 2. All fees associated with the proposed addition must be paid;**
- 3. Prior to issuance of a Building Permit, a Flood Plain Development Permit must be obtained; and,**
- 4. Prior to Planning Commission approval, revised drawings must be submitted showing the location of all roof drains on the structure.**

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

**6. No. 04SR049 – Boulevard Addition**

A request by Rod Pappel for South Dakota School of Mines & Technology to consider an application for a **SDCL Section 11-6-19 Review to allow a new use in a public building** on Blocks 1 and 2, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 West Boulevard.

Elkins advised that a revised staff report had been distributed for the Planning Commission's review. Elkins stated that after discussions with the Fire Department it was determined that the Fire Code does not require that the structure be sprinklered and staff clarified that it would not be a requirement of approval of the application.

**Rodriguez moved and Schmidt seconded to approve the SDCL Section 11-6-19 Review to allow a new use in a public building with the following stipulations:**

- 1. The building shall be used as an education consortium. Any revised and/or additional use of the property shall require the review and approval of a subsequent SDCL 11-6-19 Review. In addition, if the parking should be eliminated from the West Boulevard right-of-way, a subsequent SDCL 11-6-19 Review shall be submitted for review and approval;**
- 2. All Uniform Fire Codes shall be continually met;**
- 3. A sign permit shall be obtained for any additional signage proposed on the site; and,**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy of the building.**

Anderson requested clarification concerning the proposed education consortium. The applicant's representative described the proposed education consortium as a collection of people from a combination of several schools that would provide counseling and other assistance to students.

**The motion with the stipulations listed above carried unanimously. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

**Nash announced that the Public Hearings on Items 9 through 28 were opened.**

**Staff requested that Item 28 be removed from the Hearing Items Consent Calendar for separate consideration. Prairie Chicken requested that Item 9 be removed from the Hearing Items Consent Calendar for separate consideration.**

**Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 9 through 28 in accordance with the staff recommendations with the exception of Items 9 and 28. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

**The Public Hearings for Items 9 through 28 were closed.**

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

10. No. 04CA034 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.08 acre parcel of land from Low Density Residential with a Planned Residential Development to Park Forest with a Planned Residential Development** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 553.75 feet at a bearing S00°31'58" West to a point; Thence travel 165.47 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 74.15 feet at a bearing N41°05'15" West to a point; Travel 245.15 feet at a bearing N00°21'00" East to a point; Travel 106.97 feet at a bearing N34°54'43" East to a point; Travel 115.00 feet at a bearing N05°14'58" West to a point; Travel 51.63 feet at a bearing N09°59'31" East to a point; Travel 56.07 feet at a bearing S89°37'11" East to a point; Travel 464.33 feet at a bearing S00°32'53" West to a point; Travel 110.01 feet at a bearing S35°36'28" West to the point of beginning. The area described contains approximately 1.08 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 by changing the future land use designation on an approximate 1.08 acre parcel of land from Low Density Residential with a Planned Residential Development to Park Forest with a Planned Residential Development be approved.**

11. No. 04CA035 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for an **Amendment to the Comprehensive Plan to change the future land**



**use designation on an approximate 1.32 acre parcel of land from Low Density Residential with a Planned Residential Development to Low Density Residential – II with a Planned Residential Development** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 497.65 feet at a bearing S00°31'58" West to a point; Thence travel 609.62 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 0.96 feet at a bearing N26°30'38" West to a point; Travel 155.31 feet at a bearing N81°27'48" East to a point; Travel 237.32 feet at a bearing N43°12'21" East to a point; Travel 116.04 feet at a bearing N34°39'32" East to a point; Travel 244.00 feet at a bearing S00°21'00" West to a point; Travel 202.91 feet at a bearing S34°33'20" West to a point; Travel 38.73 feet at a bearing S90°00'00" West to a point; Travel 237.48 feet at a bearing N61°30'24" West to a point; Travel 19.26 feet at a bearing N73°30'07" West to the point of beginning. The area described contains approximately 1.32 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 approximate 1.32 acre parcel of land from Low Density Residential with a Planned Residential Development to Low Density Residential - II with a Planned Residential Development be approved.**

12. No. 04CA036 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.35 acre parcel from Low Density Residential – II with a Planned Residential Development to Park Forest with a Planned Residential Development** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 367.51 feet at a bearing S00°31'58" West to the Point of Beginning; Travel 249.13 feet at a bearing S41°05'15" East to a point; Travel 110.01 feet at a bearing N35°36'28" East to a point; Travel 204.40 feet at a bearing S12°13'30" West to a point; Travel 76.49 feet at a bearing S33°41'47" East to a point; Travel 40.83 feet at a bearing S56°18'13" West to a point on a curve; Travel 133.10 feet along a 124.00' radius convex southwesterly with a chord bearing S87°03'11" West to a point; Travel 36.45 feet at a bearing N62°11'51" West to a point on a curve; Travel 33.00 feet along a 126.00' radius concave northwesterly with a chord bearing N71°13'38" West to a point; Travel 363.20 feet at a bearing N00°31'58" East to the point of beginning. The area described contains approximately 1.35 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 by changing the future land use designation on an approximate 1.35 acre parcel from Low Density Residential - II with a Planned Residential Development to Park Forest with a Planned Residential**

**Development be approved.**

13. No. 04CA037 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 29,977 square foot parcel from Office Commercial with a Planned Commercial Development to Low Density Residential – II with a Planned Residential Development** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet 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 by changing the future land use designation on an approximate 29,977 square foot parcel from Office Commercial with a Planned Commercial Development to Low Density Residential - II with a Planned Residential Development be approved.**

14. No. 04RZ040 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential – II District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 497.65 feet at a bearing S00°31'58" West to a point; Thence travel 609.62 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 0.96 feet at a bearing N26°30'38" West to a point; Travel 155.31 feet at a bearing N81°27'48" East to a point; Travel 237.32 feet at a bearing N43°12'21" East to a point; Travel 116.04 feet at a bearing N34°39'32" East to a point; Travel 244.00 feet at a bearing S00°21'00" West to a point; Travel 202.91 feet at a bearing S34°33'20" West to a point; Travel 38.73 feet at a bearing S90°00'00" West to a point; Travel 237.48 feet at a bearing N61°30'24" West to a point; Travel 19.26 feet at a bearing N73°30'07" West to the point of beginning. The area described contains approximately 1.32 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 Low Density Residential - II District be approved in conjunction with the associated Comprehensive Plan Amendment.**

15. No. 04RZ041 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for a **Rezoning from Low Density Residential – II District to Park Forest District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 367.51 feet at a bearing S00°31'58" West to the Point of Beginning; Travel 249.13 feet at a bearing S41°05'15" East to a point; Travel 110.01 feet at a bearing N35°36'28" East to a point; Travel 204.40 feet at a bearing S12°13'30" West to a point; Travel 76.49 feet at a bearing S33°41'47" East to a point; Travel 40.83 feet at a bearing S56°18'13" West to a point on a curve; Travel 133.10 feet along a 124.00' radius convex southwesterly with a chord bearing S87°03'11" West to a point; Travel 36.45 feet at a bearing N62°11'51" West to a point on a curve; Travel 33.00 feet along a 126.00' radius concave northwesterly with a chord bearing N71°13'38" West to a point; Travel 363.20 feet at a bearing N00°31'58" East to the point of beginning. The area described contains approximately 1.35 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 - II District to Park Forest District be approved in conjunction with the associated Comprehensive Plan Amendment.**

16. No. 04RZ042 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for a **Rezoning from Low Density Residential District to Park Forest District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 553.75 feet at a bearing S00°31'58" West to a point; Thence travel 165.47 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 74.15 feet at a bearing N41°05'15" West to a point; Travel 245.15 feet at a bearing N00°21'00" East to a point; Travel 106.97 feet at a bearing N34°54'43" East to a point; Travel 115.00 feet at a bearing N05°14'58" West to a point; Travel 51.63 feet at a bearing N09°59'31" East to a point; Travel 56.07 feet at a bearing S89°37'11" East to a point; Travel 464.33 feet at a bearing S00°32'53" West to a point; Travel 110.01 feet at a bearing S35°36'28" West to the point of beginning. The area described contains approximately 1.08 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 Park Forest District be approved in conjunction with the associated Comprehensive Plan Amendment.**

17. No. 04RZ043 – Skyline Pines East Subdivision

A request by Wyss Associates for WEB Land Holdings to consider an application for a **Rezoning from Office Commercial District to Low Density Residential – II District** on property described by metes and bounds commencing at the NW

corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet 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 Low Density Residential - II District be approved in conjunction with the associated Comprehensive Plan Amendment.**

18. No. 04CA033 – Section 30, T2N, R8E (I-90 Plaza)

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 21.8 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 beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence First Course: S90°00'00"W – 170.00'; Thence Second Course: N50°00'00"E – 843.73'; Thence Third Course: N00°00'00"E – 398.80'; Thence Fourth Course: S61°38'00"E – 629.13'; Thence Fifth Course: S42°00'00"E – 133.00'; Thence Sixth Course: S62°00'00"E – 276.00'; Thence Seventh Course: S69°00'00"E – 351.00'; Thence Eighth Course: S27°00'00"W – 405.36'; Thence Ninth Course: Along an arc to the left chord bearing S78°08'34"W a distance of 597.75' which radius is 2133.30' an arc distance of 599.72'; Thence Tenth Course: N00°11'27"W – 198.19'; Thence Eleventh Course: S89°51'40"W – 920.61' to the Point of Beginning, containing 21.8 Acres more or less, more generally described as lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).

**Planning Commission recommended that the Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 21.8 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development be continued to the September 23, 2004 Planning Commission meeting at the applicant's request.**

19. No. 04CA038 – Section 30, T2N, R8E (I-90 Plaza)

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan by changing the future land use**

**designation on an approximate 2.2 acre parcel from Medium Density Residential to General Commercial with a Planned Commercial Development** on property described by metes and bounds beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence N89°44'10"E – 80.00' to the True Point of Beginning; Thence First Course: N90°00'00"E – 219.82'; Thence Second Course: N44°44'10"E – 319.22'; Thence Third Course: Along an arc to the left chord bearing N81°28'53"W a distance of 450.83' which radius is 1344.30' an arc distance of 452.97'; Thence Fourth Course: S00°15'50"E – 293.55' to the True Point of Beginning, containing 2.2 Acres more or less, more generally described as being located at the southeast corner of the intersection of Luna Avenue and Spruce Street.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 2.2 acre parcel from Medium Density Residential to General Commercial with a Planned Commercial Development be continued to the September 23, 2004 Planning Commission meeting at the applicant's request.**

20. No. 04CA039 – Section 30, T2N, R8E (I-90 Plaza)

A request by Dream Design International to consider an application for a **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.9 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 beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Pennington County, SD: Thence N89°44'10"E – 80.00'; Thence N90°00'00"E – 219.82' to the True Point of Beginning; Thence First Course: N90°00'00"E – 689.19'; Thence Second Course: N61°38'00"W – 265.21'; Thence Third Course: Along an arc to the left chord bearing N66°26'49"W a distance of 252.15' which radius is 1344.30' an arc distance of 252.52'; Thence Fourth Course: S44°44'10"W – 319.22' to the True Point of Beginning, containing 1.9 Acres more or less, more generally described as being located approximately 220 feet east/southeast of the southeast corner of the intersection of Luna Avenue and Spruce Street.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.9 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development be continued to the September 23, 2004 Planning Commission meeting at the applicant's request.**

21. No. 04RZ039 – Sections 29 & 30, T2N, R8E (I-90 Plaza)

A request by Dream Design International to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on Tract C of the SW¼ and an unplatted portion of the SW¼ of Sec. 29, and SE¼ of Section 30, T2N, R8E, Rapid City, Pennington County, South Dakota



described as follows: Beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Thence First Course: S90°00'00"W – 170.00'; Thence Second Course: N50°00'00"E – 843.73'; Thence Third Course: N00°00'00"E – 600.54'; Thence Fourth Course: N90°00'00"W – 1000.49'; Thence Fifth Course: N00°04'37"W – 1076.46'; Thence Sixth Course: Along an arc to the right with a chord bearing S74°34'20"E and a length of 637.90' with radius of 2142.00' an arc length of 640.29'; Thence Seventh Course: Along an arc to the right with radius of 2906.00' an arc distance of 221.90'; Thence Eighth Course: S61°38'02"E – 1274.64'; Thence Ninth Course: S41°50'06"E – 132.85'; Thence Tenth Course: S61°38'02"E – 225.00'; Thence Eleventh Course: S68°57'37"E – 352.88'; Thence Twelfth Course: S61°38'02"E – 175.00'; Thence Thirteenth Course: S50°01'40"E – 101.98'; Thence Fourteenth Course: S61°20'16"E – 125.00'; Thence Fifteenth Course: S72°38'51"E – 101.98'; Thence Sixteenth Course: S61°56'20"E – 315.51'; Thence Seventeenth Course: S00°07'29"E – 311.11'; Thence Eighteenth Course: S00°07'37"E – 280.18'; Thence Nineteenth Course: S00°07'31"E – 347.13'; Thence Twenty-first Course: N63°19'45"W – 138.40'; Thence Twentieth Course: Along an arc to the left chord bearing N86°23'34"W a distance of 1704.20' which radius is 2173.30' an arc distance of 1751.19'; Thence Twenty-second Course: N00°11'27"W – 145.14'; Thence Twenty-third Course: S89°51'40"W – 920.61' to the Point of Beginning, containing 93.2 Acres more or less, more generally described as lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).

**Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the September 23, 2004 Planning Commission meeting at the applicant's request.**

22. No. 04RZ044 – Section 30, T2N, R8E (I-90 Plaza)

A request by Dream Design International to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on property described by metes and bounds beginning at a point N89°44'10"E and a distance of 80.00' from the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence First Course: N00°15'50"W – 379.98'; Thence Second Course: S89°38'28"W – 80.00'; Thence Third Course: N00°15'25"W – 714.05'; Thence Fourth Course: N89°42'58"E – 40.76'; Thence Fifth Course: Along an arc to the right with a chord bearing S88°05'47"E a distance of 221.85' which radius is 2906.00' an arc distance of 221.90'; Thence Sixth Course: Along an arc to the right with a chord bearing S84°31'20"E a distance of 103.66' which radius is 2142.00' an arc distance of 103.67'; Thence Seventh Course: S00°04'37"E – 1076.46'; Thence Fourth Course: N90°00'00"W – 282.17' to the Point of Beginning, containing 8.4 Acres more or less, more generally described as being located lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).

**Planning Commission recommended that the Rezoning from Medium**



**Density Residential District to General Commercial District be continued to the September 23, 2004 Planning Commission meeting at the applicant's request.**

23. No. 04RZ045 – Section 35, T2N, R7E

A request by Design Works for Century Resources, Inc. to consider an application for a **Rezoning from Heavy Industrial District to Office Commercial District** on the north 327.2 feet of the N1/2 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 West Philadelphia Street.

**Planning Commission recommended that the Rezoning from Heavy Industrial District to Office Commercial District be approved in conjunction with the associated Planned Development Designation request.**

24. No. 04RZ046 – Severson Subdivision

A request by Wyss Associates, Inc. for Jean T. Severson to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential – II District** on Lot A and Lot B of Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Park Drive northeast of Southwest Middle School.

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

25. No. 04SV049 – Feigels Subdivision

A request by TSP for Rob Poeppel to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of the North ½ of Block 4 and balance of the South ½ of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 East Watertown.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 7, 2004 Planning Commission meeting at the applicant's request.**

26. No. 04SV050 – 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 and reduce the pavement width from 40 feet to 36 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Elm Avenue and Enchanted Pines Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet and reduce the pavement width from 40 feet to 36 feet as per Chapter 16.16 of the Rapid City Municipal Code 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.**

27. No. 04PD047 – Riverside Addition

A request by ARC International, Inc. for First Western Bank to consider an application for a **Planned Commercial Development – Final Development Plan** on Tract A of Block 4, Riverside Addition located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh Street Right-of-Way located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Omaha Street and West Boulevard.

**Planning Commission recommended that the Planned Commercial Development - Final Development Plan be approved with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement or a Final Plat shall be approved combining the properties into one lot;**
- 3. Prior to issuance of a building permit, civil and utility plans shall be submitted for review and approval. In addition, a grading, drainage and erosion control plan shall be submitted for review and approval;**
- 4. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 5. The proposed commercial structure shall be used as a bank, retail sales, professional and business offices, storage and associated accessory use(s). Any other use shall require a Major Amendment to the Planned Commercial Development;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development;**

7. A minimum of 98,894 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8. The parking requirement shall be reduced from 232 parking spaces to 228 parking spaces. In addition, seven of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, 15 stacking lanes shall be provided for the bank teller drive through windows. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Commercial Development or a subsequent Major Amendment;
10. All Uniform Fire Codes shall be met; and,
11. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

---END OF HEARING CONSENT CALENDAR---

9. No. 01UR042 - Section 23, T1N, R7E

A request by 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.

Prairie Chicken commented that this application has been continued for several years and he expressed concern that the paint splatters have yet to be removed from the structure. Prairie Chicken requested clarification concerning when the repairs would be accomplished.

Elkins advised that the demolition of the tower had begun yesterday and she indicated that the applicant is still trying to find a method to remove or cover the paint splatters without damaging the exterior finish of the building. Elkins added that she has met with the owners of the tower on the site noting that they are in communication on a weekly basis. Elkins stated that the primary focus has been removing the top portion of the tower to address issues with falling ice. Discussion followed concerning the reduced height of the tower and the requirements that would trigger an amendment to the Conditional Use Permit.

**Prairie Chicken moved, Anderson seconded and unanimously carried to continue the Revocation of a Use on Review to allow a Communication Tower in the Public Zoning District be to the November 4, 2004 Planning Commission meeting. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting**

no)

28. No. 04UR013 – Section 7, T1N, R8E

A request by Shane Daniel for Republic Holdings to consider an application for a **Conditional Use Permit to allow mini storage buildings in the General Commercial Zoning District** on Tract C of the NW1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1025 East Saint Patrick Street.

Elkins advised that the applicant has indicated that he will not be able to address one of the stipulations of approval until spring and she noted that staff recommends that the Conditional Use Permit be denied without prejudice to allow the applicant to resubmit the request in the spring without additional application fees.

**Schmidt moved, Rodriguez seconded and unanimously carried to deny the Conditional Use Permit to allow mini storage buildings in the General Commercial Zoning District without prejudice. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

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

Fisher requested that Items 29-32 be considered concurrently.

29. No. 04CA031 – Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a parcel of land located in the West One-Half (W $\frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and

filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds



East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

30. No. 04RZ038 – Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land located in the West One-Half (W½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on



the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the

southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista

Court.

31. No. 04PL098 – ELGSS Subdivision

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Layout Plat** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract D of Medicine Ridge No. 2 and all of Lot 3 of Tower Ridge Subdivision and all of Tract F and Tract G located in the NE1/4 of SW1/4 and SE1/4 of NW1/4 of Section 23, and a portion of the Point Vista Court right-of-way, all located in the W1/2 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5440 Plains Vista Court.

32. No. 04SV044 - Medicine Ridge Subdivision No. 2, Tower Ridge Subdivision and Section 23, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the West One-Half (W $\frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96

feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a

radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, more generally described as being located at 5440 Plains Vista Court.

Fisher presented the requests and reviewed the associated slides. Fisher identified the existing zoning in the area of the proposed development. Fisher discussed a number of issues associated with the proposed applications and stated staff's recommendations for each of the requests.

John Nooney advised that he is appearing on behalf of the Marietta's, property owners that live adjacent to the proposed development. Nooney stated that his clients are concerned about the proposed 50 unit apartment complex. Nooney noted that Low Density Residential zoning allowing single family residences on the property would ensure that homes are not stacked one upon another and would offer more privacy from the back yard. Nooney expressed concern that the proposed development would substantially change the character of the existing residential neighborhood.

In response to a question from Prairie Chicken, Fisher stated that there are three letters attached to the agenda item and a number of people waiting to speak in the audience.

Jim Strain, area property owner, concurred with Nooney that the development would cause a change of character in the existing residential neighborhood. Strain emphasized that they selected the community to live in because it was comprised of single family residences. Strain stated that he believes the property



values of homes adjacent to the development will be negatively affected by the proposed development. Strain expressed concern regarding increased traffic and objected to the comparison of the proposed development to the Echo Ridge property. Strain described the differences in topography between the subject property and the Echo Ridge property. Strain expressed concern that a two story apartment structure would obstruct evening views to the west and would cause a loss of sunset time.

Tom Bradsky, area property owner, expressed concerns with traffic and the density proposed for the development. Bradsky suggested that the property be developed with approximately 24 single family residences. Bradsky noted that a natural valley would divide commercial uses along U.S. Highway 16 from a Low Density Residential development on the subject property.

In response to a question from Schmidt, Bradsky stated that he is concerned with both safety and noise issues associated with increased traffic through the development. Bradsky objected to the granting of a Subdivision Variance for the subject property noting that the developer should be required to construct all improvements.

Prairie Chicken requested that staff address the issue of increased traffic to the proposed development. Fisher explained that the proposed development will be similar to an assisted living facility for senior citizens. Fisher noted that it is anticipated that a significant number of residents living in the development will not drive vehicles. Fisher clarified that an associated Planned Residential Development will be considered at the September 23, 2004 Planning Commission meeting.

Schmidt requested clarification concerning reference to a pond and a potential loss of water pressure described in a letter from the Conleys. Fisher explained that the water pressure in the development will be addressed with the extension of a looped connection. Fisher added that the detention facility is designed to meter water leaving the site and is not designed to function as a pond holding water.

In response to a question from Anderson, Fisher stated that the Planning Commission has historically stipulated that if the use as approved is changed a Major Amendment to the Planned Residential Development must be brought forward. Anderson requested clarification concerning whether additional public input would be considered during review of the Planned Development application. Fisher stated that the Planned Development would be heard at the September 23, 2004 Planning Commission meeting.

Janelle Finck, Fisk Land Surveying, distributed color photographs of existing Good Samaritan facilities, elevations and a landscape plan for the proposed project. Finck described the purpose of the detention facility on the property and stated that the City of Rapid City controls distribution of water in the area with a pressure reducing station noting her opinion that there is ample water pressure available for the proposed development. Finck indicated that her firm, City staff, the Department of Transportation and the Future Land Use Committee have



worked on this project since spring. Finck added that the Future Land Use Committee and City staff have indicated that the proposed development appears to be a good transitional use between the existing residential and commercial developments. Finck clarified that under a Low Density Residential zoning district as many as 154 single family residences could be developed on the subject property. Finck commented that the number of units to be located on the property has been limited, noting that additional landscaping will be provided, and the main structure will be located approximately 100 feet from the property line. Finck emphasized that the proposed development would be a quiet retirement community noting that traffic from the proposed development would be significantly less than traffic seen from single family residences. Finck stated that approximately 50% of the residents at the Echo Ridge facility drive a vehicle. Finck described additional benefits of developing the property as proposed, noting the property will be well constructed and well maintained. Finck indicated that the requested Subdivision Variance is requested for the existing road located outside of the development noting that all improvements inside the development will be fully provided. Finck added that this development will be served by City sewer noting that single family dwellings could develop using individual septic systems.

Karen Olsen requested clarification concerning why the main facility was located on the east side of the property near the existing residential development. Finck explained that the topography on the west side of the site is much more severe than the topography on the east side and would prohibit the mechanical access on the rear of the main structure. Finck stated that locating the main structure on the west side of the property would significantly reduce the number of units that could be constructed on the property. Olsen requested clarification concerning the requested Subdivision Variance. Finck stated that all improvements within the development would be constructed to City standards. Finck explained that the pavement on Enchantment Road is already in place noting that staff has generally supported similar requested variances when the construction of the improvement would result in discontinuous sections of curb, gutter and sidewalk. Finck added that the property owner is willing to sign a waiver of right to protect future assessments for the improvements.

Schmidt asked if Finck had used a scientific method to determine that 50% of the residents of the proposed development would have vehicles. Finck responded that the residents will be similar to the residents of the Echo Ridge facility and a shuttle service will be provided for the use of the residents. Discussion followed concerning the number of staff at the facility, transportation options for residents of the facility, the number of residents likely to drive vehicles, the description of a twin home, street lighting within the proposed facility, and the proposed internal sidewalk system.

Prairie Chicken asked if a landscaping buffer would be provided. Finck identified some of the proposed landscaping on the preliminary landscaping plan for the associated Planned Residential Development.

Nash advised that he lives close to the existing Echo Ridge facility and stated that the residents and property management have proved to be good neighbors

and generate little traffic.

In response to a question from Schmidt concerning potential noise issues associated with the development, Elkins stated that staff will evaluate the location of dumpsters and HVAC systems during the review of the Planned Development.

Discussion followed concerning maximum structure heights permitted in both the Low and Medium Density Residential Zoning Districts.

Ron Kortemeyer, Good Samaritan Property Manager, advised that traffic associated with the development will be similar to the Echo Ridge property noting that the twin homes will likely generate more traffic. Kortemeyer added that many residents will also spend their winters in the south.

**Rodriguez moved, Anderson seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development (04CA031) be approved;**

**to recommend that the Rezoning from General Agriculture District to Medium Density Residential District (04RZ038) be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation;**

**to recommend that the Layout Plat (04PL098) be approved with the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall analyze impacts downstream and be designed in compliance with the South Truck Route Drainage Basin Plan. In addition, on-site detention shall be provided as needed. The plat document shall also be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water main connection point to the six inch water main located in Enchantment Road shall be replaced with an eight inch water main from the connection point extending west a distance of 200 feet to connect with an existing eight inch water main with eight inch PVC . In addition, the water plans shall provide a loop either back to Enchantment Road or US Highway 16. Supplemental tap fees shall also be paid as required;**
- 4. Upon submittal of a Preliminary Plat application, sanitary sewer plans prepared by a Registered Professional Engineer showing the extension of sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations**

shall be obtained. Supplemental tap fees shall also be paid as required;

5. Upon submittal of a Preliminary Plat application, road construction plans for Enchantment Road shall be submitted for review and approval. In particular, construction plans shall show Enchantment Road located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for Plains Vista Court shall be submitted for review and approval. In particular, the road construction plans shall show Plains Vista Court 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. If the applicant is proposing to vacate that portion of Plains Vista Court located on the subject property than an alternate road connection from Enchantment Road to the frontage road located along US Highway 16 shall be secured either as an "H Lot" or platted as right-of-way. In addition, the adjacent property owner located along the north of Plains Vista Court shall participate in vacating the northern half of Plains Vista Court or a Variance to the Subdivision Regulations shall be obtained to allow platting only half a right-of-way;
7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;
9. All Uniform Fire Codes shall be continually met;
10. Prior to submittal of a Final Plat application, the plat shall be revised to show "Point Vista Court" as "Plains Vista Court"; and,
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,  
to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code (04SV044) be approved with the following stipulation:
  1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the sidewalk, curb, gutter, street light conduit and sewer improvements. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)

Fisher advised that the associated Initial Planned Residential Development Plan will be considered at the September 23, 2004 Planning Commission meeting.

33. No. 04CA041 – MJK Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the designation of a Collector Street to a Sub-Collector Street on the Major Street Plan** on Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Elm Avenue and Enchanted Pines Drive.

Fisher presented the request and reviewed the associated slides. Fisher noted that a Layout Plat in this area was approved earlier this year. Fisher explained the proposal for road improvements, reviewed the staff report and noted staff's recommendation for denial of the requested amendment.

Hani Shafai, applicant, advised that the engineering plans were designed with the street as a subcollector based on meetings with City staff. Shafai referred to a letter dated December 2, 2004, noting that the property owner is requesting that the road be designated as a subcollector. Shafai related information from a 2002 meeting and discussed future interconnectivity between S.D. Highway 79 and 5<sup>th</sup> Street. Shafai explained that most houses in the proposed development will be single family residences. Shafai stated his opinion that two collector streets within 1000 feet of each other are excessive.

Schmidt noted that the Major Street Plan identifies the proposed road as a collector street and requested clarification concerning the basis for designing the road as a subcollector street. Shafai stated that during discussions two years ago City staff had indicated that consideration would be given to changing the road to a subcollector. Shafai commented that it was his understanding at that time that staff would support the proposed Major Street Plan Amendment.

Shafai reviewed a number of existing areas in South Robbinsdale where collector streets were not required. Shafai expressed concern that designing the street as a collector additional traffic would be encouraged through the proposed residential development.

Discussion followed concerning likely growth in the area and traffic issues in existing residential neighborhoods that were constructed without collector streets.

Fisher clarified that staff has given consideration to the proposed designation of the street as a subcollector and determined that it is appropriate to continue the design of the street as a collector.

Shafai reviewed the anticipated traffic connections in the developing area and stated his opinion that there would be sufficient collector streets within the area.

In response to a question from Schmidt, Shafai stated that the property owner is not concerned with the costs associated with developing a collector status street,

but rather the additional right-of-way required to be dedicated and the limitation of access allowed on a collector street.

Schmidt stated that he feels efficient traffic flow and safety contribute to the necessity for the street to be designated as a collector.

**Nash stated that he would abstain from voting on this item.**

**Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the designation of a Collector Street to a Sub-Collector Street on the Major Street Plan be denied. (6 to 0 to 1 with Anderson, Hadcock, Lemay, Prairie Chicken, Rodriguez and Schmidt voting yes, with none voting no and with Nash abstaining)**

34. No. 04PD043 – Harter Tract

A request by Kent Kennedy for Bart and Helen Boos to consider an application for a **Planned Residential Development – Final 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 1 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 staff recommends that the Planned Residential Development - Final Development Plan be continued to the September 23, 2004 Planning Commission meeting as the stipulations of approval have not been met.

**Rodriguez moved, Hadcock seconded and unanimously carried to continue the Planned Residential Development - Final Development Plan to September 23, 2004 Planning Commission meeting. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

35. No. 04PD046 – Northern Heights Subdivision

A request by Conrad's Big C Signs for Villa on Haines, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 2 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1315 Haines Avenue.

Tucker presented the application and noted staff's recommendation to deny the request. Tucker reviewed the associated slides and identified a number of residential properties located near the subject property.

In response to a question from Anderson, Tucker indicated that the proposed sign is allowed under the Sign Code noting that the Planned Commercial Development gives the opportunity for additional review of the proposal.



In response to a question, Tucker advised that staff received no responses or telephone calls concerning the proposed Amendment.

Barb VanEkeren, property owner, advised that Planning Commission that she was raised in the North Rapid neighborhood and stated her opinion that the proposed sign will not adversely affect residents in area. VanEkeren requested that the application be either approved or continued for two weeks.

**Rodriguez moved and Schmidt seconded to approve the Major Amendment to a Planned Commercial Development.**

In response to a question from Schmidt, Tucker commented that the brightness and flashing of the proposed sign could distract drivers. In response to a question, Tucker confirmed that the two bottom panels of the sign would be fitted with an electronic sign.

Schmidt stated that he had visited the site and viewed the surrounding area noting that he does not believe the sign will cause an adverse effect.

Prairie Chicken commented that he does not feel the proposed sign will adversely affect traffic.

In response to a question from Olson, Elkins clarified that staff's concern in regard to the signs impact on motorists is primarily a safety issue noting that the staff feels the proposed sign will have an impact on residents in the neighborhood. In response to a question, Elkins indicated that the proximity of the sign to a residential neighborhood differentiates how staff views this sign as opposed to similar signs in the community.

Discussion followed concerning similar electronic signage in and around Rapid City.

Lemay requested clarification concerning whether it is possible to adjust the intensity on the electric sign display to decrease the brightness at night.

Dan Lowe, Conrad's Big C Signs, indicated that the setting for brightness on the sign could be adjusted.

Discussion followed concerning the Planned Development process and the process other commercial businesses must follow to obtain similar electronic signage.

**The motion unanimously carried to approve the Major Amendment to a Planned Commercial Development. (7 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, Rodriguez and Schmidt voting yes and with none voting no)**

Rodriguez left the meeting at this time.

Bulman requested that Items 36 and 37 be considered concurrently.

36. No. 04TI005 – Sections 28 & 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District #46** on the N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 Block 2 & less Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

37. No. 04TI006 – Sections 28 & 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District #46 Project Plan** on the N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 Block 2 & less Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County,

South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

Bulman presented the requests and identified the proposed public improvements. Bulman reviewed the associated slides and the staff report noting that the Tax Increment District would be repaid in approximately ten years. Bulman stated that the Tax Increment Financing Committee recommended approval of the applications.

In response to a question from Nash, Bulman reviewed the criteria used by the Tax Increment Financing Committee to evaluate the proposed Tax Increment District.

Schmidt noted that the City Attorney has stated his opinion that the project does not meet the criteria as blighted. Elkins referred to State statutes that state that undeveloped areas can qualify as blighted if improvements cannot be extended to the area.

**Anderson moved to approve the Resolution Creating Tax Increment District #46 and the Tax Increment District #46 Project Plan.**

Lemay requested clarification concerning whether the proposed Tax Increment District is separate from an existing Tax Increment District in Red Rock Estates. Elkins advised that there are currently two other Tax Increment Districts in Red Rock Estates noting that those improvements included a sewage lift station and a storm water detention facility.

**Schmidt seconded the motion.**

Prairie Chicken stated that he opposes the motion as he concurs with the City Attorney's opinion.

**The Planning Commission's vote to approve the Resolution Creating Tax Increment District #46 and the Tax Increment District #46 Project Plan resulted in a tie. (3 to 3 with Schmidt, Anderson and Nash voting yes and with Prairie Chicken, Hadcock and Lemay voting no)**

38. No. 04UR014 – Marsall Heights Tract

A request by Colleen Oslund for CEC Entertainment, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** on the West ½ of Lot K-1 of Marshall Heights Tract, City of Rapid City, in the Southeast Quarter (SE1/4) of Section Twenty-five (25), Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian, excepting therefrom Lots K1-A, K1-B, K1-C, K1-DR, K1-E, K1-FR and Lot K1-G of said Lot K-1, also excepting thereout and therefrom the 60 foot public street right-of-way adjoining said Lot K1-B, as shown on the plat recorded in Book 12 of Plats on Page 213 in the Office of the Register of Deeds, Pennington County, South Dakota, more generally described as being located at 30 Knollwood Drive.

Elkins indicated that this application was not included on the Hearing Consent Agenda as the Planning Commission has directed staff to place Conditional Use Permits for on-sale liquor establishments on the regular portion of the agenda. Elkins noted staff's recommendation for approval of the request with stipulations.

Alice Winters, representative from the corporate office of CEC Entertainment Inc. Family Restaurants stated that approximately 25% of parents request beer or wine noting that Chuck E. Cheese's does offer beer and wine as an accommodation to parents that request it. In response to a question, Elkins stated that all facilities that sell alcohol are referred to in the Rapid City Municipal Code as on-sale liquor establishments noting that a stipulation could be added to the conditions of approval limiting the sale of alcoholic beverages to beer and wine.

Discussion followed concerning the procedure to obtain an alcoholic beverage license and the specific activities offered in a typical Chuck E. Cheese's Restaurant.

In response to a question from Anderson, Elkins indicated that the Conditional Use Permit approval runs with the property unless the use as approved has not been initiated within two years. Elkins added that the liquor license would have to be transferred to the new owner of the property.

In response to a question from Prairie Chicken, Tucker advised that several telephone calls requesting information on the project were received noting that there were no objections.

Olson requested clarification concerning whether smoking would be permitted in the restaurant. Winter commented that corporate policy has prohibited smoking in Chuck E. Cheese's Restaurants for years.

Anderson stated that he would have no objection to approving the proposed Conditional Use Permit if smoking were prohibited and if alcoholic beverages to be offered to patrons were limited to beer and wine. Winters confirmed that she has no objection to the proposed additional stipulations. In response to a question from Anderson, Elkins stated that if the property were transferred a

Major Amendment to the Conditional Use Permit would be required to change the conditions restricting smoking and the sale of alcohol other than beer and wine.

**Anderson moved, Schmidt seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District with the following stipulations:**

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
- 2. All applicable provisions of the Uniform Fire Codes shall be continually met;**
- 3. The required five to six foot high ornamental screening fence shall be installed along the entire south property line of the subject property;**
- 4. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 5. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary;**
- 6. 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; and,**
- 7. There shall be no smoking permitted within the restaurant and the sale of alcoholic beverages shall be limited to beer and wine or a Major Amendment to Conditional Use Permit shall be obtained. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

39. No. 04SR046 – Fish Hatchery Subdivision

A request by Ferber Engineering Company, Inc. for South Dakota Game Fish & Parks – Cleghorn Springs State Fish Hatchery to consider an application for a **11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery** on Lot F-2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4725 Rimrock Highway.

Elkins advised that the City Council approved the Special Exception to the Flood Area Construction Regulations as stipulated in the conditions for approval of this item.

**Schmidt moved, Hadcock seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery with the following stipulations:**

- 1. All proposed structures shall have a minimum setback from Jackson Boulevard of 25 feet;**
- 2. The subject property shall continually comply with all provisions of the off-street parking requirements found in Section 17.50.270 and the landscaping requirements of 17.50.300 of the Rapid City Municipal Code;**



3. **Prior to initiation of construction, a Flood Plain Development Permit shall be obtained;**
4. **Prior to initiation of construction, revised plans showing the building construction type shall be submitted for review and approval by the Rapid City Fire Department;**
5. **All netting provided shall be of a non-combustable material;**
6. **All structures shall be addressed with 12 inch numbers that contrast with the back ground color of the structure;**
7. **All applicable provisions of the Uniform Fire Code shall be continually met;**
8. **Any hazardous materials on site shall be used and stored as per the Uniform Fire Code's Hazardous Materials section; and,**
9. **Prior to Planning Commission approval, a Special Exception to the Flood Area Construction Regulations shall be approved by the City Council. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

40. No. 04VE018 – Century Park Subdivision

A request by Sperlich Consulting for Bob Sperling to consider an application for a **Vacation of Non-Access Easement** on Lot 6B of Block 2 of Century Park Subdivision located in the E1/2 of the SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1540 Samco Road.

Elkins noted staff's recommendation for continuation of the Vacation of Non-Access Easement to the September 23, 2004 Planning Commission meeting as the stipulations of approval have not been met.

**Schmidt moved, Hadcock seconded and unanimously carried to continue the Vacation of Non-Access Easement to the September 23, 2004 Planning Commission meeting as the stipulations of approval have not been met. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

41. Discussion Items

- A. **Prairie Chicken moved, Hadcock seconded and unanimously carried to continue the discussion on the Parkland Dedication Requirements to the September 23, 2004 Planning Commission meeting. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

42. Staff Items

Elkins asked the members of the Planning Commission if they would like staff to continue to place Conditional Use Permit applications for on-sale liquor establishments on the regular portion of the Planning Commission agenda. Discussion followed.

**Prairie Chicken moved, Anderson seconded and unanimously carried to allow staff discretion concerning the placement of Conditional Use Permits**

**for On-Sale Liquor Establishments on future Planning Commission agendas. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**

Elkins welcomed new Planning Commissioner Mike Lemay to the Commission.

**There being no further business, Prairie Chicken moved, Anderson seconded and unanimously carried to adjourn the meeting at 9:14 a.m. (6 to 0 with Anderson, Hadcock, Lemay, Nash, Prairie Chicken, and Schmidt voting yes and with none voting no)**