

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 2, 2005 at 7:00 a.m.
(continued from May 26, 2004)

MEMBERS PRESENT: Scott Nash, Debra Hadcock, Ida Marie Fast Wolf, Gary Brown, Doug Andrews, Peter Anderson, Mel Prairie Chicken and Ethan Schmidt.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Bob Dominicak, Dave Johnson, Todd Tucker, Joel Landeen and Carol Bjornstad.

Chairperson Nash called the continued meeting to order at 7:00 a.m. on June 2, 2005.

Bulman requested that Items 58 and 59 be taken concurrently.

58. No. 05CA023 - Tittle Springs Subdivision

A request by the City of Rapid City for Tracy Parris to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6201 Magic Canyon Road.

59. No. 05RZ038 - Tittle Springs Subdivision

A request by the City of Rapid City for Tracy Parris to consider an application for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a

distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6201 Magic Canyon Road.

Bulman presented the Comprehensive Plan Amendment and the Rezoning request with a slide presentation.

Tracy Parris expressed concerns with the staff recommendation relating to City Code Provisions the City Flood Plain Policy and surveying studies and the Flood Hazard District. Discussion followed regarding the results of a detailed study and survey information.

In response to Nash's question regarding City policy, Landeen advised that the City of Rapid City has the authority to regulate land use in the Flood Hazard Zoning District. Landeen stated that City has no duty to change zoning and expressed his opinion that there is no legal violation with regard to zoning. Landeen recommended that the Planning Commission approve the rezoning request per the staff's recommendation.

In response to Schmidt's question, Landeen advised that the Flood Plain regulations regarding construction in the 500 year Flood Plain is a separate from the rezoning request.

In response to Schmidt question, Elkins stated that the Flood Plain Development Task Force discussed detailed issues regarding the canyon environment concerns about water flow during a flood event.

Discussion followed regarding the 100 and 500 year Flood Plain boundaries and guidelines as it pertains to the Flood Hazard District.

Anderson commented that this issue would ultimately be determined by the City of Rapid City Council.

Hadcock expressed her support for the rezoning request and the Comprehensive Plan Amendment as recommended by the staff.

Discussion followed regarding flood definitions contained in the zoning ordinance.

Schmidt moved, Andrews seconded and unanimously carried to approve the Amendment to the Comprehensive Plan (05CA023) to change the land use designation on a .05 acre parcel from Flood to Park Forest with the following stipulation:

1. Prior to City Council approval, the property owner shall submit a revised legal description identifying the boundaries of the Comprehensive Plan Amendment as including only that property located outside of the 100 and 500 year hydraulic floodplain; and, to approve the Rezoning from Flood Hazard District to Park Forest District (05RZ038) in conjunction with the associated Amendment to the Comprehensive Plan with the following stipulations:

1. Prior to City Council approval, the property owner shall submit a revised legal description identifying the boundaries of the Rezoning from Flood Hazard District to Park Forest District as including only that property located outside of the 100 and 500 year hydraulic floodplain.

(9 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

60. No. 05OA003 - Ordinance Amendment

A request by Faulk & Foster for Western Wireless to consider an application for an **Ordinance Amendment to the Rapid City Municipal Code, Chapter 17 Zoning, to allow microcell antennas on existing utility poles and facilities.**

Bulman presented the ordinance amendment requesting that staff recommend that the Planning Commission hold a separate public hearing to discuss the extensive issues associated with cellular facilities in the community.

In response to Prairie Chicken's question regarding policy changes pertaining to cellular antennas, Elkins stated that changes have been implemented previously to allow antennae on top of buildings in specific locations. Elkins recommended that the Planning Commission is requested to provide staff with direction on changes to the policies allowing microcell antennas on utility poles and facilities.

Brown and Schmidt commented that they were in favor of setting a special public hearing date.

Talbot Wiczorek, attorney representing Western Wireless, stated that the applicant would support a special public hearing. Wiczorek stated that the goal is to improve services for residents of Rapid City. Wiczorek advised that the applicant is proposed using existing structures for antennae placement. Wiczorek stated that the applicant's proposal includes a provision for a

Conditional Use Permit and would encourage public comment.

In response to LeMay's question about ordinances in other communities, Elkins stated that antennas have been allowed on commercial structures but not in residential districts. Elkins commented that changes in technology indicate other alternatives need to be reviewed to accommodate the cellular communication needs of Rapid City.

Discussion followed regarding setting a date for a special Planning Commission meeting.

Brown moved, Anderson seconded to continue the Ordinance Amendment to the Rapid City Municipal Code, Chapter 17 Zoning, to allow microcell antennas on existing utility poles and facilities to June 16, 2005 public hearing on at 7:00 p.m. to fully discuss the proposed amendments for Microcell Communication facilities. (9 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

*61. No. 05PD004 - Schamber Subdivision

A request by Britton Engineering for Robert and Genae Sundby to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot A and Lot B of Lot 14 less the north 80 feet of the east 225 feet, Schamber Subdivision, SE1/4 SE1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1626 Evergreen Drive.

Tucker presented the Planned Residential Development. Tucker stated that the applicant has not submitted the requested revisions. Tucker advised that the applicant is requesting that this item be denied without prejudice.

Brown moved, Andrews seconded to recommend that the Planned Residential Development - Initial and Final Development Plan be denied. (8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

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

*62. No. 05PD029 - Red Rock Meadows Subdivision

A request by Dream Design International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-9, Block 5, Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Murfield Drive and Coghill Lane.

Andrews moved, Hadcock seconded to recommended that the Planned Residential Development - Initial and Final Development Plan be approved. (8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

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

64. No. 05SV023 - Brentwood Subdivision

A request by Brent Pushing to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as the S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.

Fisher stated that the applicant's consultant has brought to staff's attention that the current legal description does not include one of the proposed lots. As such, Fisher recommended that this item be continued to the June 23, 2005 Planning Commission meeting to allow the applicant to submit a revised legal description and to send revised letters of notification as required.

Brown moved, Andrews seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sun Ridge Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 23, 2005 Planning Commission meeting. (8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

65. No. 05PL072 - Keller Subdivision

A request by Renner and Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., more generally described as being located at the old Dog Track on North Highway 79.

66. No. 05SV027 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., more generally described as being located at the old Dog Track on North Highway 79.

Fisher presented the Preliminary Plat application and the Variance request with the recommendation and stated that the applicant has requested that this item be continued to the June 9, Planning Commission meeting.

Andrews moved, Hadcock seconded to recommend that the Preliminary Plat (05PL072) and the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along S.D. Highway 79 as per Chapter 16.16 of the Rapid City Municipal Code (05SV027) be continued to the June 9, 2005, Planning Commission Meeting. (8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

66. Planning Commission Items

Elkins Introduced Don Seten as the new Community Planning Coordinator.

There being no further business Andrews moved, Prairie Chicken seconded by and unanimously carried to adjourn the meeting at 8:40 a.m. (8 to 0 with Andrews, Anderson, Fast Wolf, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt, all voting yes and none voting no)