

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 4, 2001

Draft

MEMBERS PRESENT: Sam Kooiker, Mel Prairie Chicken, Jeff Hoffmann, Robert Scull, Jeff Stone, Paul Swedlund, Bob Wall, and Stuart Wevik. Ron Kroeger, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Karen Bulman, Bill Lass, Bill Knight, Dave Johnson, Dave LaFrance and Rise Ficken

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

Wevik 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 11 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 8 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Kooiker seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 12 in accordance with the staff recommendations with the exception of Items 8, 9 and 11. (8 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approve correction to the August 23, 2001 Planning Commission meeting minutes.
2. Approval of the September 6, 2001 and September 20, 2001 Planning Commission meeting minutes.
3. No. 01AN017 - R&L Subdivision and Section 22, T2N, R7E
A request by Pennington County to consider an application for a **Petition for Annexation** on 1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z, and along R & L Subdivision Lots 1 and 2 and 3, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Deadwood Avenue and Interstate 90.

Planning Commission recommended that petition for annexation be approved.

4. No. 01AN018 - Sections 21, 22 and 27, T2N, R7E

A request by South Dakota Department of Transportation to consider an application for a **Petition for Annexation** on U.S. Interstate 90 and right-of-way from Deadwood Avenue eastward, all located within Sections 21, 22 and 27, T2N, R7E, BHM, Pennington County, South Dakota, including: Lot H1 NE1/4 SE1/4, Lot H1 SE1/4 SE1/4, all located in Section 21, T2N, R7E, BHM, Pennington County, South Dakota, and Lot H1, Lot H1 of Lot Y of Lot H2, Lot H1 of Lot X of Lot H2, all located in SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota, and Lot H1 W1/2 NW1/4 and NE1/4 NW1/4, and Lot H1 NE1/4, all located in Section 27, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being U.S. Interstate 90 from Deadwood Avenue eastward through Sections 21, 22 and 27.

Planning Commission recommended that petition for annexation be approved.

5. No. 01CA030 – Summary of Adoption Action - Comprehensive Plan Amendment – Amendment to the Major Street Plan

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

6. No. 01PL038 - Lamb Subdivision

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of Reservoir Road and S.D. Highway 44.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 8, 2001 Planning Commission meeting to allow the applicant time to address zoning issues with Pennington County relative to the subject property.

7. No. 01PL052 - Buffalo Ridge Subdivision

A request by Ron & MaryAnn Davis to consider an application for a **Preliminary Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Uranus Street.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as determined by the Engineering Division;**

2. Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
4. Prior to Final Plat approval by the City Council, proof of legal entity which will provide the mechanism for street maintenance and snow removal on all proposed subdivision dedicated right-of-ways shall be submitted for review and approval;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to show a shared approach to Lots 14 and 15;
6. Prior to Final Plat approval by the City Council, the plat shall be revised to extend a 49 foot right-of-way to the east lot line;
7. Prior to Final Plat approval by the City Council, the plat shall be revised to identify Lot 1 as a drainage easement;
8. Prior to Final Plat approval by the City Council, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 thru 18, Buffalo Ridge Subdivision shall be signed and shall be recorded with the plat;

Fire Department Recommendations:

9. The requirements of the Uniform Fire Code shall be continually met;

Pennington County Highway Department:

10. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement guaranteeing payment to Pennington County for the cost of the Pennington County Highway Department's improvement of Reservoir Road for that portion of the road that abuts the subject property;

Pennington County Planning Department Recommendation:

11. Prior to Final Plat approval by the City Council, the accessory structure located on Lot 14 and Lot 15 shall be removed from the property or surety shall be posted for the removal of the structure within 180 days of plat approval;

Emergency Services Communication Recommendation:

12. Prior to Final Plat approval by the City Council, the plat shall be revised to identify "Buffalo Ridge Court" as "Shaw Court";

Urban Planning Division Recommendations:

13. A Special Exception is hereby granted to reduce the separation requirement between driveways and intersections for the existing approach to proposed Lot 18;
14. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
15. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; and,

16. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

10. No. 01PL088 - Buffalo Ridge Subdivision

A request by Ron & Mary Ann Davis to consider an application for a **Final Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 800 feet south of the intersection of Twilight Drive and Reservoir Road.

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

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the Preliminary Plat shall be approved;**
2. **Prior to Final Plat approval by the City Council, proof of legal entity which will provide the mechanism for street maintenance and snow removal on all proposed subdivision dedicated right-of-ways shall be submitted for review and approval;**
3. **Prior to Final Plat approval by the City Council, the plat shall be revised to show a shared approach to Lots 14 and 15;**
4. **Prior to Final Plat approval by the City Council, the plat shall be revised to extend a 49 foot right-of-way to the east lot line;**
5. **Prior to Final Plat approval by the City Council, the plat shall be revised to identify Lot 1 as a drainage easement;**
6. **Prior to Final Plat approval by the City Council, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 thru 18, Buffalo Ridge Subdivision shall be signed and shall be recorded with the plat;**

Pennington County Highway Department:

7. **Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement guaranteeing payment to Pennington County for the cost of the Pennington County Highway Department's improvement of Reservoir Road for that portion of the road that abuts the subject property.**

Pennington County Planning Department Recommendation:

8. **Prior to Final Plat approval by the City Council, the accessory structure located on Lot 14 and Lot 15 shall be removed from the property or surety shall be posted for the removal of the structure within 180 days of plat approval;**

Emergency Services Communication Recommendation:

9. **Prior to Final Plat approval by the City Council, the plat shall be revised to identify "Buffalo Ridge Court" as "Shaw Court";**

Urban Planning Division Recommendations:

10. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; and,**

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11. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

12. No. 01PL100 - Country Club Heights No. 2

A request by Doug Sperlich for Gary Rasmusson to consider an application for a **Preliminary and Final Plat** on Lot 10R and Lot 11R of Block 2, Country Club Heights No. 2 (formely Lot 10 and Lot 11 of Block 2, Country Club Heights No. 2) located in the SE1/4 of the SE1/4 Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3302 and 3220 Hogan Court.

Planning Commission recommended that the Planning Commission acknowledge the applicant's request to deny without prejudice the Preliminary and Final Plat application.

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

8. No. 01PL064 - Bies Subdivision

A request by FMG, Inc. for Robbins & Stearns to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S. Highway 79, north of Minnesota Street.

Wall clarified that the agenda should be corrected to reflect that the property is located west of South Highway 79.

Wall moved, Scull seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be continued to the October 25, 2001 Planning Commission pending approval of a 404 permit from the Corps of Engineers. (8 to 0)

9. No. 01PL079 - Lowe's Subdivision

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Haines Avenue between Mall Drive and Disk Drive.

Steve Donnelly, area representative for Williston Basin Interstate Pipeline Company, indicated that a high pressure pipeline is located in the burrow ditch on the south side of Mall Drive. He asked that the location of this pipeline be taken into consideration during construction on the site.

Scull moved, Swedlund seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the October 25, 2001

Planning Commission meeting to allow the applicant to submit additional information. (8 to 0)

11. No. 01PL099 - Terracita Park Subdivision

A request by Doug Sperlich for Walgar Development Corp to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Fifth Street and Minnesota Street.

Emerson indicated that some issues needing to be addressed prior to Planning Commission approval have not been completed. He recommended that the Layout, Preliminary and Final Plat be continued to the October 25, 2001 Planning Commission meeting.

Wall moved, Stone seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be continued to the October 25, 2001 Planning Commission meeting. (8 to 0)

Wevik reviewed the Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Hearing Consent Agenda for individual consideration.

Kooiker requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Items 15, 16, 22, 23 and 26 be removed from the Hearing Consent Agenda for separate consideration.

Scull moved, Hoffmann seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 13 through 26 in accordance with the staff recommendations with the exception of Items 15-17, 22, 23 and 26. (8 to 0)

---HEARING ITEMS CONSENT CALENDAR---

13. No. 01TI004 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Resolution Creating Tax Increment District No. 32** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch,

Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, 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.

Planning Commission recommended that the Resolution Creating Tax Increment District #32 be continued to October 25, 2001 to allow a correction to the legal advertisement.

14. No. 01TI005 - Red Rock Estates

A request by City of Rapid City to consider the **Tax Increment District No. 32 Project Plan** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, 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.

Planning Commission recommended that the Tax Increment District #32 Project Plan be continued to October 25, 2001 to allow the Plan to be legally advertised.

18. No. 01OA017 – Ordinance Amendment

A request by City of Rapid City to consider an application for an Ordinance amending Chapter 15.48.110 of the Rapid City Municipal Code by revising certain requirements pertaining to access roads within mobile home parks.

Planning Commission recommended that the Ordinance Amendment be tabled to allow Staff to conduct further research regarding this issue.

19. No. 01OA018 – Ordinance Amendment

A request by City of Rapid City to consider an application for an Ordinance amending Chapters 17.08, 17.10, 17.12, 17.14, 17.18, 17.20, 17.22, 17.24, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48 and 17.56 by establishing new subsections pertaining to required building setbacks from section lines in the Park Forest, Low Density Residential –1, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Light Industrial, Heavy Industrial, Flood Hazard, Shopping Center – 1, Shopping Center –2, General Agricultural, Hotel-Motel, Mobile Home Residential, Office Commercial, Mining and Earth Extraction, Low Density Residential – 2, Public, Civic Center, and Business Park Zoning Districts.

Planning Commission recommended that the Ordinance Amendment be approved.

20. No. 01PD049 - Fairlawn Subdivision

A request by Thurston Design Group for Regional Senior Care to consider an application for a **Major Amendment to a Planned Residential Development to increase the density and allow a nursing home** on Lot B of Fairlawn Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 417 East Fairlane Drive.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to increase the density and allow a nursing home be continued to the October 25, 2001 Planning Commission meeting to allow the applicant time to review the occupancy classification of the building.

21. No. 01PD050 - Lowe's Subdivision

A request by Ozark Civil Engineering for Lowe's Companies Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Haines Avenue and Mall Drive.

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be continued to the October 25, 2001 Planning Commission meeting to allow the applicant to submit additional information.

24. No. 01SV024 - Lamb Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44** on Lot 1 of Lamb Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Reservoir Road and S.D. Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44 be continued to the November 8, 2001 Planning Commission meeting to be heard in conjunction with a Preliminary and Final Plat.

25. No. 01UR037 - Nicholl's Subdivision

A request by Anne Devlin to consider an application for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1241 E. St. Joseph Street.

Planning Commission recommended that the Use On Review for a Child Care Center be continued to the October 25, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

---END OF HEARING CONSENT CALENDAR---

15. No. 01CA031 - Section 32, T2N, R8E

A request by Theresa Bennington to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial** on NW1/4 SE1/4 SW1/4 Section 32, T2N, R8E; east 613 feet of the north 511 feet of the SW1/4 SW1/4 Section 32, T2N, R8E; E1/2 SE1/4 SW1/4 Section 32, T2N, R8E all located in BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of East Philadelphia Street.

Swedlund expressed concern that the proposed change from General Commercial to Heavy Industrial appears to be a radical modification. He requested clarification concerning the Heavy Industrial uses planned for the property.

Elkins responded that the applicant has primarily expressed concern with the re-use of the property and the expansion of the existing auto salvage business.

In response to a request from Swedlund, Elkins reviewed the aerial slides of the subject property and identified issues with down-zoning the existing heavy industrial use. She stated that the Future Land Use Committee concurs with the

heavy industrial designation to support the existing salvage business and recommends an alternate designation of general commercial for redevelopment of the property.

In response to a question from Kooiker, Elkins advised that the salvage business has operated on the site since the 1940s and that the applicant has indicated that the salvage business is not for sale.

Swedlund moved, Stone seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan be continued to the October 25, 2001 Planning Commission to allow the Future Land Use Committee to review the proposed amendment. (8 to 0)

Swedlund requested that Item 16 and 23 be considered concurrently.

16. No. 01CA032 - Skyline Pines East

A request by Wyss Associates for W.E.B. Partners to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89d39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22d2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16d38'12" E, Then travel 161.93 feet at a bearing N55d19'17"E, Then travel 227.59 feet at a bearing S34d35'20"E, Then travel 300.07 feet at a bearing S45dW, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45dW, Then travel 26.8 feet at a bearing N89d39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

23. No. 01RZ054 - Skyline Pines East

A request by Wyss Associates for W.E.B. Partners to consider an application for a **Rezoning from Office Commercial District to General Commercial District** beginning from a point 1795.13 feet at a bearing S89d39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22d2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16d38'12" E, Then travel 161.93 feet at a bearing N55d19'17"E, Then travel 227.59 feet at a bearing S34d35'20"E, Then travel 300.07 feet at a bearing S45dW, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45dW, Then travel 26.8 feet at a bearing N89d39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

In response to a question from Swedlund, Emerson indicated that there is an approved Planned Commercial Development for the property.

Swedlund moved, Hoffman seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan and the

**Rezoning from Office Commercial District to General Commercial District
be continued to the October 25, 2001 Planning Commission meeting.
(8 to 0)**

17. No. 01OA016 – Ordinance Amendment

A request by City of Rapid City to consider an application for an Ordinance amending Chapters 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 to revise various requirements pertaining to Planned Developments including but not limited to: clarifying various notification requirements regarding Initial and Final Development Plan applications, eliminating the requirement to record approved Planned Developments with the Register of Deeds, further defining actions which trigger a Major or Minimal Amendment to an approved Planned Development, and eliminating the minimum size requirements for all types of Planned Developments.

Kooiker expressed concern regarding the removal of the requirement for recording planned developments with Register of Deeds.

Discussion followed concerning limitations under State law.

Stone moved, Scull seconded and unanimously carried to recommend that the Ordinance Amendment be approved. (8 to 0)

22. No. 01PD051 - Overlook Subdivision

A request by Olsen Development Co., Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 5, Overlook Subdivision, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1825 Clark Street.

Swedlund complimented the developer on the proposed exterior of the structure.

Phil Olsen, Olsen Development Co., thanked Swedlund for the compliment.

Swedlund moved, Stone seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to City Council approval, revised as-built plans certified by a Professional Engineer for the existing retaining wall located along the front of the lot shall be submitted for review and approval identifying substantial conformance to the approved plans;**
- 2. Prior to issuance of a building permit, design plans for the proposed retaining wall(s) located along the east side of the parking lot shall be submitted for review and approval;**
- 3. Prior to City Council approval, a final geotechnical evaluation report for the western retaining wall shall be submitted for review and approval. The report shall include information as required by Unified**

Building Code Section 3318.1, "Final Reports" which in part, requires the submission of supporting data, comments on any changes made during grading and their effects, and a statement that to the best of the geotechnical engineer's knowledge, the work is in accordance with the approved engineering report and applicable provisions of this chapter;

4. **Prior to City Council approval, a final grading plan for the proposed infra-structure improvements shall be submitted for review and approval;**
5. **Prior to City Council approval, additional drainage information shall be submitted for review and approval. Specifically, profiles for the hydraulic gradelines for the inlets shall be submitted for review and approval;**
6. **The pavement design shall meet or exceed the requirements of Ordinance 1976;**
7. **Prior to issuance of a Certificate of Occupancy, areas of the alley disturbed by construction shall be reclaimed and stabilized;**

Fire Department Recommendations:

8. **All Uniform Fire Codes shall be met;**

Building Inspection Division Recommendations:

9. **Prior to issuance of a sign permit, a variance to allow the proposed sign(s) shall be obtained from the Sign Board;**
10. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

Urban Planning Division Recommendations:

11. **The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development;**
12. **All signage shall conform to the design and location as shown in the sign package submitted as part of this Planned Commercial Development and as approved by the Sign Board;**
13. **A minimum of 34,262 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
14. **A minimum of 35 parking spaces shall be provided with two (2) handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
15. **The proposed building shall be used for office(s). Any other use shall require a Major Amendment to the Planned Commercial Development; and,**
16. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years. (8 to 0)**

A request by Don Steveson for Kevin Galik to consider an application for a **Use On Review to allow a communications tower in the General Commercial Zoning District** on the N1/2 of Lot 4 and all of Lots 5 and 6 of Lot A of the SE1/4 SE1/4 of Section 6, T1N, R8E, BHM, and the east 44 feet of Lots 5, 6, 7 and 8 in Block 1 of Radio Towers Subdivision; together with that part of the alley vacated by a resolution recorded September 14, 1962, in Book 80 of misc. records on Page 442, which adjoins Lots 5, 6, 7 and 8 in Block 1, Radio Towers Subdivision all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1711 Cambell Street.

Swedlund stated that he would abstain from voting on this item.

Kevin Galik, applicant, expressed concern that the title of the application implied that a new tower would be constructed on the site. He noted that they would be co-locating cellular communication equipment on an existing tower on the site.

In response to a question from Kooiker, Elkins indicated that the only approved use of the existing tower on the site is as an accessory use to the utility business. She clarified that the new use proposed by the applicant must be authorized as indicated on the Use On Review application. She expressed support for the co-location of the cellular facilities on the existing tower.

Hoffmann moved, Stone seconded and unanimously carried to recommend that the Use On Review to allow a communications tower in the General Commercial Zoning District be approved with the following stipulations:

Building Inspection Department Recommendations:

- 1. That the attachment of antenna to an existing tower does not require a Building Permit but work must be performed per design requirements;**

Urban Planning Division Recommendations:

- 2. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority and that red strobe lighting will be utilized if lighting is required;**
- 3. That a six foot fence shall be installed surrounding the tower within 30 days of installation of the antenna;**
- 4. Prior to City Council approval, a revised site plan shall be submitted identifying the parking and circulation easement as a tower access easement;**
- 5. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;**
- 6. No commercial advertising signage shall be allowed on the tower;**
- 7. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,**
- 8. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years.**

(7 to 0 with Swedlund abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

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

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use on Review to allow Communication Tower in Public District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Containing 6.90 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Elkins advised that this request has been heard by the Planning Commission at several meetings. She described the location of the new fire station on the property noting that the City, the Dispatch Center and the applicant have worked together to design the tower to support co-location of 911 emergency dispatch facilities and cellular communication transmissions. Elkins confirmed that the applicant provided the additional information requested by the Planning Commission and she reviewed staff's recommendation for approval with stipulations.

Wall thanked the applicant for providing the additional information requested by the Planning Commission. He discussed several concerns with the number of recent applications for cellular communication towers.

Elkins noted that the cellular communication tower applications considered in the last several years have required that towers be constructed to support co-location. She added that the Request for Proposals requires that the consultant selected review and evaluate sectorization plans, co-location and coverage issues.

Discussion followed concerning the advantages of co-location, the number of existing towers, and loading requirements.

Kooiker spoke in opposition to the proposed tower citing tower height and negative visual impact on area residents. Discussion followed concerning the possibility of locating additional antennae on top of the water tower, the need for

a tower at the fire station location to serve 911 emergency transmissions, and clustering of towers on Skyline Drive.

Kooiker suggested that a consultant be retained to review this tower and identify possible alternatives.

Swedlund stated that he would be abstaining from voting on this item.

Swedlund noted that he feels the study to be conducted by a consultant should include the review of proprietary information in an effort to allow the least number of towers possible.

Hoffmann requested clarification concerning the issue of competition in relation to the lease amount charged for co-location by the company constructing the cellular tower.

Ron Rotel, Western Wireless, advised that they have not had problems with co-location and price gouging between cellular service companies. He indicated that Western Wireless is making any tower they are building available for co-location. He added that they have made the minimization of towers along with quality service a prime objective as they feel co-location benefits all parties.

Scull spoke in support of the proposed cellular tower at this location noting that current cellular service in the community needs improvement. He complimented the applicant for working closely with staff to provide information and address concerns raised by the Planning Commission.

Wall moved and Stone seconded to recommend that the Use on Review to allow a Communication Tower in the Public Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;

Building Inspection Division Recommendations:

2. A Building Permit shall be obtained prior to any construction;
3. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
4. A Certificate of Completion shall be obtained prior to any use of the tower;

Urban Planning Division Recommendations:

5. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
6. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority

- and that red strobe lighting will be utilized if lighting is required;
7. **The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;**
 8. **Prior to issuance of a Building Permit, the section line highway right-of-way shall be vacated or the applicant shall obtain a variance to allow structures within the required side yard setback;**
 9. **No commercial advertising signage shall be allowed on the tower;**
 10. **That all requirements of the Off-Street Parking Ordinance shall be continually met; and,**
 11. **The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years.**

Wevik stated that the consultant retained under the Request for Proposals will provide additional tools for evaluating these requests in the future. He added that he feels staff and the applicant have worked together to try and balance the need for cellular service, public safety transmissions and the interests of the community at large.

The motion carried to approve the Use On Review to allow a communication tower in the Public Zoning District with the above listed stipulations. (6 to 1 with Kooiker voting no and with Swedlund abstaining)

28. No. 01PL098 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Block 1, Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Broadmoor Drive.

Emerson presented the application noting that this is the fourth time in four years this property has been before the Planning Commission. He identified the current Park Forest zoning of the property and the "no-build" area shown on the Plat. He reviewed access issues associated with this property noting that the applicant has obtained permission from The Broadmoor Homeowners Association to access the development through their private road system. Emerson advised that staff recommends approval of the Layout Plat with stipulations and noted that the Engineering Division has requested the following revisions to condition 3: "Prior to Preliminary Plat approval by the Planning Commission, the applicant shall direct all storm water run off from the developmental portion Lot 3 to the northeast through the existing off-site major drainage easement. All additional run off from the developmental portion Lots 1 and 2 to shall be directed to the west on Broadmoor Drive and the applicant must obtain permission from the Broadmoor Home Owners Association to allow additional storm water drainage on Broadmoor Drive. No additional drainage flows shall occur onto Sheridan Lake Drive."

In response to a request from Kooiker, Emerson reviewed the history of the applications previously submitted for this property.

Wall asked how drainage issues will be addressed and if landscaping would be permitted in the proposed “no build” area.

Doug Sperlich, Renner & Sperlich Engineering, described drainage from the property noting that the lot lines are almost perpendicular to the slope. He indicated that the road to be constructed on the property will capture and divert the bulk of the runoff into natural drainage. He added that the “no build” area is presently covered with native grasses noting that there is no plan at this time to use the property in conjunction with the residences.

Wevik requested that an addition be made to condition 13 stating that an access agreement for Broadmoor Drive be provided prior to City Council approval of the Final Plat.

Discussion followed concerning how drainage will be addressed prior to reaching Sheridan Lake Road.

Stone advised that he would abstain from voting on this item.

Scull moved, Hoffman seconded and carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Preliminary Plat approval by the Planning Commission, detailed grading information relating to drainage improvements shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, a detailed drainage plan in accordance with the Arrowhead Drainage Basin Plan shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall direct all storm water run off from the developmental portion Lot 3 to the northeast through the existing off-site major drainage easement. All additional run off from the developmental portion Lots 1 and 2 to shall be directed to the west on Broadmoor Drive and the applicant must obtain permission from the Broadmoor Home Owners Association to allow additional storm water drainage on Broadmoor Drive. No additional drainage flows shall occur onto Sheridan Lake Drive;**
- 4. Prior to Preliminary Plat approval by the Planning Commission, engineering plans shall be submitted showing the connection to the City sanitary sewer system;**
- 5. Prior to Preliminary Plat approval by the Planning Commission, a special exception to the Street Design Criteria Manual to allow a street to have over 12% grades shall be obtained;**
- 6. Prior to Preliminary Plat approval by the Planning Commission, the petitioner shall provide a geotechnical evaluation for the subject property;**

7. **Prior to Preliminary Plat approval by the Planning Commission, the street plans submitted by the petitioner shall identify a minimum easement width of 52 feet and a minimum cul-de-sac bulb diameter of 110 feet;**
8. **Prior to Preliminary Plat approval by the Planning Commission, the petitioner shall provide a calculation for the street pavement design prepared by a Professional Engineer;**

Fire Department Recommendations:

9. **Prior to Preliminary Plat approval by the Planning Commission, a site plan showing all locations of the proposed fire hydrants shall be submitted for review and approval;**
10. **Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a wild land fuel management plan;**
11. **Prior to Preliminary Plat approval by the Planning Commission, the applicant shall include in the engineering plans an intermediate turn-around at the current terminus of Broadmoor Drive;**

Urban Planning Division Recommendations:

12. **In association with the Preliminary Plat, the applicant shall request and obtain a Special Exception to the Street Design Criteria Manual to allow a cul-de-sac longer than 500 feet;**
13. **Prior to Final Plat approval by the City Council, the applicant shall submit an access agreement and road maintenance agreement for Broadmoor Drive;**
14. **In association with the Preliminary Plat, the applicant shall request and obtain a Special Exception to the Street Design Criteria Manual to allow 40 dwelling units with a single access; and,**
15. **Prior to Final Plat approval by the City Council, surety shall be posted for any subdivision improvements that have not been completed and any subdivision inspection fee shall be paid. (7 to 0 with Stone abstaining)**

Fisher requested items 29, 30 and 31 be considered concurrently.

29. **No. 01CA020 - Section 24, T1N, R7E**

A request by Dream Design International, Inc. to consider an application for an **Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan to change the future land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along said northerly right of way line, 50.86 feet to the true point of beginning; Thence N88°35'39"W along said northerly right-of-way line, 350 feet; Thence departing said right of way N1°24'21"E 275 feet; Thence S88°35'39"E 346.06 feet to where said line intersects the westerly right of way of proposed Fifth Street; Thence

S00°45'07"W 274.85 feet more or less to the point of beginning containing 2.20 acres more or less; **from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 400.86 feet this being the point of beginning; Thence N88°35'39"W along said northerly right of way 919.13 feet; Thence departing said northerly right of way line N1°24'21"E 275 feet; Thence S88°35'39"E 919.13 feet; Thence S1°24'21"W 275 feet to the point of beginning containing 5.80 acres more or less; **from Planned Residential Development with a maximum density of 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 1320 feet to where said right of way meets the north south 1/16 line of the SE1/4 of said Section 24 this being the true point of beginning; thence along the said right of way N88°35'39"W 439.87 feet; Thence departing the north right of way N01°24'21"E 1245 feet to a point lying on the east west 1/16 line; Thence S88°35'39"E along said 1/16 line 677.62 feet; Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'30"E 405.16 feet; Thence S49°37'01"E 52.92 feet to a point on a curve with a radius of 567 feet; thence along said curve to the right an arc length of 258.44 feet with a chord bearing of S30°36'54"E 256.21 feet Thence S1°24'21"W 244.35 feet; Thence N88°35'39"W 919.13 feet to a point on the north south 1/16 line; Thence S01°24'21"W 275 feet along said 1/16 line to the point of beginning containing 28.28 acres more or less; and, **from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N00°45'07"E 274.85 feet this being the true point of beginning; Thence N88°35'39"W 348.88 feet; Thence N1°24'21"E 244.35 feet to where it intersects a curve with a radius of 567 feet; thence along said curve to the left an arc length of 258.44 feet and a chord bearing of N30°36'54"W 256.21 feet; Thence N49°37'01"E 350.36 feet to where said line intersects the south westerly right of way of proposed Fifth Street a curve with a radius of 917 feet; Thence along said curve to the right an arc length of 438 feet with a chord bearing of S28°44'00"E 433.85 feet; Thence S00°45'07"W along said proposed Fifth Street right of way 319.88 feet to the point of beginning containing 5.03 acres more or less, more generally described as being located north of Catron Boulevard lying adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

30. No. 01PD042 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, more generally described as being located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

31. No. 01RZ042 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the

east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, more generally described as being located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

Fisher presented the request and identified slides, zoning, and surrounding uses. She reviewed the recommendations of the Future Land Use Committee noting that the proposed amendment is significantly different from the approved plan. Fisher explained that staff recommends that these three applications be denied without prejudice to allow the applicant to provide revised legal descriptions and to re-advertise the application identifying the new land uses. Additionally, she noted that the Future Land Use Committee has requested that the Planning Commission conduct an evening meeting to consider the proposed amendments with all landowners in the study area invited to attend.

Kooiker, requested clarification concerning the Lazy P6 application recently reviewed by the Planning Commission. Fisher indicated that the application was continued at City Council so that it could be heard in conjunction with these three items. She added that the Lazy P6 applicant is not in agreement with the Future Land Use Committee's recommendation for their property.

Kooiker stated his support for an evening public meeting to consider the proposed amendments to the Future Land Use Plan.

Discussion followed concerning notification requirements and fees charged for Comprehensive Plan Amendments.

Kooiker moved, Scull seconded and unanimously carried to recommend that the Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Plan, the Planned Development Designation and the Rezoning be denied without prejudice to allow the applicant to submit a revised legal description to be advertised. (8 to 0)

Discussion followed concerning scheduling a special Planning Commission meeting to consider the amendments to the South Robbinsdale Neighborhood Area Future Land Use Plan.

Wall moved, Stone seconded and unanimously carried to direct staff to schedule an evening public hearing to consider amendments to the South Robbinsdale Neighborhood Area Future Land Use Plan and to mail notices of the meeting to property owners within the South Robbinsdale Neighborhood Future Land Use study area. (8 to 0)

32. No. 01UR051 - Section 9, T1N, R7E

A request by Don Steveson for Kevin Galik to consider an application for a **Use On Review to allow a communications tower in the General Commercial Zoning District** on Lots 4 and 5 of the subdivision of the south portion of Lot 3 in the SW1/4 of the NW1/4 of Section 9, T1N, R7E of the BHM, Rapid City, Pennington County, South Dakota as shown in Deed Book 95, Page 125, more generally described as being located at 4118 Jackson Boulevard.

Elkins presented the request and reviewed the slides noting area zoning and the staff's significant concerns with parking, access, and the proximity of the proposed cellular tower to the existing residential area and Canyon Lake Park. She noted staff's recommendation that the Use On Review be continued to the October 25, 2001 Planning Commission meeting to allow the applicant the opportunity to provide sectorization and coverage information.

Kooiker stated that he does not feel this is an appropriate location for a cellular tower and he added that additional information would not change his opinion on that issue.

Elkins advised that seven phone calls were received expressing objection to the propose cellular tower.

Katherine Dennis, area resident, stated her opposition to the proposed use noting that this is a very congested residential area with small lots. She expressed concern that a tower would be placed in the center of this residential neighborhood.

Bob Horsely, area resident, spoke in opposition to the Use On Review and he expressed concern that not only the area residents, but visitors to Canyon Lake Park would be impacted by the tower at this location. He expressed concern that a 150 foot notification area is insufficient for a use such as a communication tower. He added that only a few homeowners were notified of this application and he stated that he feels that are other alternatives available to the applicant.

In response to a question from Swedlund, Bill Knight advised that there is not a tower is located at the Fire Station on Western Avenue.

Kevin Galik, applicant, stated that he had provided the information as requested by staff and he reviewed overhead illustrations showing how the proposed tower would look on the site noting that they are in compliance with the parking ordinance. He advised that siting a tower in this area is difficult as there is limited property zoned to support this kind of use.

Kooiker noted that the tower would be located a few feet from a residence and stated that he does not think this is an appropriate place for a cellular tower.

Kooiker moved and Hoffman seconded to recommend that the Use On Review to allow a cellular tower in the General Commercial Zoning District be denied.

Samantha Hanson, 4005 Lakeview Drive, spoke in opposition to the requested cellular tower. She stated that she felt the tower would be an impingement upon use and enjoyment of her property. She added that she does not want to see a tower there every time she goes outside.

Discussion followed concerning using utility poles to locate antennae, the potential for placing a tower at the fire station on Western Avenue, the residential zoning of the fire station, and County zoned property where a tower could be located.

Kooiker called the question.

Kooiker withdrew his call of the question.

Discussion continued on the potential for rezoning and constructing a cellular communication tower at the fire station on Western Avenue.

Swedlund stated that he would abstain from voting on this item.

Wall made a substitute motion, Scull seconded and carried to recommend that the Use On Review to allow a communications tower in the General Commercial Zoning District be denied without prejudice. (7 to 0 with Swedlund abstaining)

33. No. 01UR053 - MDU Subdivision

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a communication tower in the Light Industrial Zoning District** on Lot 1, MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 710 Steele Avenue.

Elkins presented the request and reviewed the slides noting the location of the proposed tower within the 100 year flood plain. She advised that the applicant has a setback variance pending before the Zoning Board of Adjustment. She reviewed staff's recommendation for approval with stipulations noting concerns with the requested two foot set back.

Kooiker stated that he would like to see the recommendation from the Zoning Board of Adjustment prior to making a recommendation on the Use On Review.

Discussion followed concerning how far the tower would be located from the hydraulic flood way and the Zoning Board of Adjustment's action to continue the setback variance request to allow a representative for the property owner to appear and discuss the proposed location on the property for the cellular tower.

Kooiker moved and Scull seconded to recommend that the Use On Review be continued to the October 25, 2001 Planning Commission meeting to allow consideration of the associated setback variance request by the Zoning Board of Adjustment.

Kooiker added that he would like the applicant to provide delineating how far from the hydraulic flood way the tower would be located.

Discussion followed concerning staff's recommendation to the Zoning Board of Adjustment concerning the setback variance request.

Swedlund advised that he would abstain from voting on this request.

The motion carried to recommend that the Use On Review be continued to the October 25, 2001 Planning Commission meeting to allow consideration of the associated setback variance request by the Zoning Board of Adjustment. (7 to 0 with Swedlund abstaining)

- 33A. **Swedlund moved, Kooiker seconded and unanimously carried to reconsider No. 01PL071 - Owen Hibbard Subdivision - A request by City of Rapid City to consider an application for a Preliminary and Final Plat on Lots 1, 2 and 3 of Owen Hibbard Subdivision and Tish Drive Dedicated Right of Way, all located in Tract A of Tract 1 of W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on U.S. Highway 16 north of Golden Eagle Drive and adjacent to the Old Marine Life. (7 to 0)**

Elkins noted that staff has been working with the Engineering Division to address drainage concerns related to this plat. She noted that these issues have been resolved, bids for construction have been let and staff requests that the Preliminary and Final Plat be approved with stipulations.

Scull stated that he would abstain from voting on this item.

Swedlund moved, Stone seconded and carried to recommend that the Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to City Council approval of the Final Plat, engineering plans shall be submitted and approved for the required improvements of the section line highway right-of-way adjacent to Lot 2 or the section line highway right-of-way adjacent to Lot 2 shall be vacated or a Subdivision Regulation Variance shall be obtained waiving the improvements to that portion of the section line right of way adjacent**

to Lot 2;

2. **Prior to City Council approval of the Final Plat, the plat shall be revised to include a non-access easement on the south side of Lot 1 extending approximately 230 feet west from the southeast corner of Lot 1. The non-access easement shall allow for the development of an approach directly across from the existing permitted approach to Lot E, on the south side of Promise Road;**
3. **Prior to City Council approval of the Final Plat, an eight foot utility easement shall be shown along all front lot lines;**
4. **Prior to Final Plat approval by the City Council, a security bond for subdivision improvements that have not been completed shall be provided in accordance with Section 16.20.060 of the Rapid City Municipal Code;**
South Dakota Department of Transportation Recommendations:
5. **Prior to Final Plat approval by the City Council, all necessary road improvements along U.S. Highway 16 and the service road shall be completed; and,**
Air Quality Division Recommendations:
6. **An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits. (7 to 0 with scull abstaining)**

Hoffmann left the meeting at this time.

34. Discussion Items

- A. Request to amend Zoning Ordinance to allow outdoor sales and storage of firewood in the General Commercial Zoning District

Dan Iseland, Director of the Corner Stone Rescue Mission stated that they would like to create a program to put unemployed people at the mission to work. He described the concept of the program in detail and he advised that he had obtained permission from the Rapid City Journal to lease an empty fenced lot adjacent to the mission property to operate a wood lot.

Discussion followed concerning zoning required for outdoor sales and storage of wood, the location of the vacant lot owned by the Rapid City Journal, the present General Commercial zoning of the property, an ordinance amendment to allow the use to occur in the General Commercial district, rezoning the property to the Light Industrial Zoning District, protection of the wood from the elements, structures that would be needed on the property, amending the ordinance to allow only charity organizations to operate wood lots in the General Commercial district, noise that would be created on the site, visual barriers and fencing on the property.

Wall indicated that he felt many of the issues discussed could be addressed through the Use On Review procedure. He suggested that wood sales and storage be allowed as a Use On Review in the General Commercial Zoning District.

Prairie Chicken spoke in favor of the program as proposed by Island.

Wall moved, Kooiker seconded and unanimously carried to authorize staff to advertise for amendments to the Zoning Ordinance to allow wood sales and storage as a Use On Review in the General Commercial Zoning District. (7 to 0)

Items from Commissioners

Swedlund expressed concern that noisy rooftop refrigeration units will be located on the roof of the ice rink in Roosevelt Park. He indicated that he would like an update from the Public Works Department concerning ongoing improvements, the rooftop refrigeration units and the plans to move the pond.

Swedlund moved and Kooiker seconded to request that the Public Works Department provide an update on the development at Roosevelt Park.

Discussion followed.

The motion unanimously carried to request that the Public Works Department provide an update on the development at Roosevelt Park. (7 to 0)

Scull moved, Prairie Chicken seconded and unanimously carried to continue the balance of the agenda to the October 25, 2001 Planning Commission meeting. (7 to 0)

There being no further business Stone moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 9:50 a.m. (7 to 0)