

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 25, 2003

MEMBERS PRESENT: Sam Brannan, Gary Brown, Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt and Ida Fast Wolf. Also, present was City Council Representative, Sam Kooiker.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Bill Knight, Dave Johnson, Jason Green and Nadine Bauer

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

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

Hoffmann requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, seconded by Schmidt and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 9 in accordance with the staff recommendations with the exception of Item 9. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the September 4, 2003 Planning Commission Meeting Minutes.
2. No. 02PL029 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the October 9, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

3. No. 02PL093 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more

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generally described as being located on Longview Drive to the east of East 53rd Street and Reservoir Road.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the October 9, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

4. No. 03PL045 - Marshall Heights Tract

A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz to consider an application for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 North Maple Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the October 23, 2003 Planning Commission meeting at the applicant's request.

5. No. 03PL088 - Stoneridge Subdivision

A request by Dream Design International, Inc. for Sally Broucek to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Parkview Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, all 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;**
2. **Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for the well access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans for Parkview Drive showing the construction of a four foot wide property line sidewalk and street light conduit shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate**

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- shall be submitted for review and approval;
6. Prior to Preliminary Plat approval by the City Council, the section line highway located along the south lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
 7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show non-access easement(s) as per the Street Design Criteria Manual. In particular, the plat document shall be revised to show a non-access easement along the well access easement and Parkview Drive except for approved approach locations;

Register of Deed's Office Recommendation:

8. Prior to Final Plat approval by the City Council, the plat title shall be revised to include "the portion lying in Gov. Lot 1, Section 19, T1N, R8E";

Emergency Services Communication Center Recommendation:

9. Prior to Final Plat approval by the City Council, an alternate road name for East West Collector shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road name;

Urban Planning Division Recommendations:

10. Prior to Preliminary Plat approval by the City Council, a Master Plan shall be submitted for the .84 acre parcel located in the southeast corner of the subject property;
11. Prior to Final Plat approval by the City Council, the plat document shall be revised to include an owners certificate for the property owner located directly south of the section line highway located along the south lot line;
12. Prior to Final 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; and,
13. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

6. **No. 03PL092 - Elks Country Estates**

A request by Renner and Sperlich Engineering Co. for Elks Country Estates to consider an application for a **Final Plat** on Lot 3 of Block 11, Elks Country Estates, located in the NE1/4 of the SE1/4 Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the E1/2 of Section 16 located in the NE1/4 of the SE1/4 Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Jolly Lane and LaCosta Drive.

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

Engineering Division Recommendations:

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1. Prior to City Council approval of the Final Plat, additional information shall be submitted verifying that utility service lines have been stalled at the approved locations, or surety shall be posted for the improvements;
2. Prior to City Council approval of the Final Plat, all regulatory street signs shall be installed, or surety shall be posted for the improvements;
3. Prior to City Council approval of the Final Plat, all debris and material stockpiles shall be removed from the right-of-way;

Urban Planning Division Recommendations:

4. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
 5. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
7. No. 03PL093 - Robbinsdale Addition No. 10
A request by Renner & Sperlich Engineering Company for Walgar Development Company to consider an application for a **Layout, Preliminary and Final Plat** on Lot 20 of Block 6, and dedicated right-of-way of Wisconsin Avenue, Robbinsdale Addition No. 10, located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 of Section 13 located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wisconsin Avenue and Minnesota Street.

Planning Commission recommended that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by City Council, a revised plat document shall be submitted showing an additional 10 feet of right of way along Minnesota Street as it abuts the subject property, or a variance to the Subdivision Regulations shall be obtained.
2. Prior to Preliminary Plat approval by City Council, a revised plat document shall be submitted showing a note identifying on-site drainage at the site in accordance with the South Robbinsdale Drainage Study.
3. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show the book and page of the previously recorded shared access approach;
4. Prior to City Council approval of the Preliminary Plat, revised construction plans shall be submitted identifying street lighting at the site in accordance with the City Specification;
5. Prior to City Council approval of the Preliminary Plat, revised construction plans shall be submitted identifying speed limit signs at the site in accordance with the Street Design Criteria Manual;

Emergency Services Communication Center Recommendation:

6. Prior to Final Plat approval by the City Council, the plat document shall

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be revised to show "Minnesota Street" as "E. Minnesota Street";

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
8. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

8. **No. 03SR028 - Rapid City Greenway Tract**

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public use in a public place** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street between Brennan Avenue and Elm Avenue.

Planning Commission recommended that the 11-6-19 SDCL Review of a public use in a public place be continued to the October 9, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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

9. **No. 03SR041 - Rapid City Greenway Tract**

A request by Larry Dale for the Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review of a temporary structure on public land** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 Mt Rushmore Road North.

Hoffmann explained that Brown serves on the Civic Center Board and has indicated to him that he planned to abstain from voting on this item.

Brannan moved, seconded by Prairie Chicken and carried to recommend that the 11-6-19 SDCL Review of a temporary structure on public land be approved with the following stipulations:

Fire Department Recommendations:

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniformed Fire Code and the Assembly Manual;

Building Inspection Division Recommendations:

3. Prior to the event, a Temporary Use Permit for a Tent must be obtained; and,

Urban Planning Division Recommendations:

4. The Temporary Use Permit will be for the October 4, 2003 event only.(5 to 0 with Brennan, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes, none voting no and Brown abstaining)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann read the Hearing Consent Agenda into the record 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.

Staff requested that Items 13, 14, 18, 37 and 38 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 19 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Brannan and unanimously carried to recommend approval of the Hearing Consent Agenda Items 10 through 41 in accordance with the staff recommendations with the exception of Items 13, 14, 18, 19, 37 and 38 (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

10. No. 03OA006 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an Ordinance to authorize administrative approval of certain plats by adding Section 16.08.035 to the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment to authorize administrative approval of certain plats by adding Section 16.08.035 to the Rapid City Municipal Code be approved.

11. No. 03CA018 - Section 5, T1N, R8E

A request by Renner & Sperlich Engineering Company for Steve Moore to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential** on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot

B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, more generally described as being located at 1600 Creek Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential be approved.

12. No. 03RZ030 - Section 5, T1N, R8E

A request by Renner & Sperlich Engineering Company for Steve Moore to consider an application for a **Rezoning from Flood Hazard District to Low Density Residential District** on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course:

N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, more generally described as being located at 1600 Creek Drive.

Planning Commission recommended that the Rezoning from Flood Hazard District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment.

15. No. 03RZ035 - Moon Ridge Subdivision

A request by William Schleining to consider an application for a **Rezoning from General Commercial District to Public District** on a portion of Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northeasterly corner of said Lot 3 of Moon Ridge Subdivision and the Point of Beginning; thence, first course: S07°20'00"W, along the easterly boundary of said Lot 3, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 1337.09 feet, to the southeasterly corner of said Lot 3, common with the northeasterly corner of the right-of-way of Moon Meadows Drive; thence, second course: N82°35'35"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 42.53 feet, to a point of curve; thence, third course: northwesterly, along the northerly edge of the right-of-way of said Moon Meadows Drive, curving to the left on a curve with a radius of 1050.00 feet, a delta angle of 06°35'17", an arc length of 120.73 feet, a chord bearing of N86°00'00"W, and a chord distance of 120.67 feet, to a point of tangency; thence, fourth course: N89°15'53"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 337.71 feet; thence, fifth course: N89°16'12"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 231.26 feet, to the southwesterly corner of said Lot 3 of Moon Ridge Subdivision, common with the southeasterly corner of Lot 1 of Moon Ridge Subdivision; thence, sixth course: N00°12'56"E, along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, common with the easterly boundary of said Lot 1 of Moon Ridge Subdivision, a distance of 245.52 feet; thence, seventh course: N26°53'52"E, a distance of 990.49 feet; thence eighth course: N07°53'52"E, a distance of 178.06 feet, to a point on the northerly boundary of said Lot 3 of Moon Ridge Subdivision; thence, ninth course: N89°53'10"E, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 428.66 feet, to the northeasterly corner of said Lot 3 of Moon Ridge Subdivision, and the Point of Beginning; said parcel contains 18.177 acres more or less, more generally described as being located at the intersection of U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Rezoning from General Commercial District to Public District be approved subject to approval of the related Amendment to the Comprehensive Plan.

16. No. 03RZ036 - Moon Ridge Subdivision

A request by William Schleining to consider an application for a **Rezoning from**

Medium Density Residential District to Public District on a portion of Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northwesterly corner of said Lot 3 of Moon Ridge Subdivision and the Point of Beginning; thence, first course: N89°53'10"E along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 818.71 feet; thence, second course: S07°53'52"W, a distance of 178.06 feet; thence, third course: S26°53'52"W, a distance of 990.49 feet, to the easterly boundary of Lot 1 of Moon Ridge Subdivision; thence, fourth course: N00°12'56"E, a distance of 169.48 feet, to the northeasterly corner of said Lot 1 of Moon Ridge Subdivision; thence, fifth course: N89°16'12"W, along the northerly boundary of said Lot 1 of Moon Ridge Subdivision, a distance of 350.00 feet, to the northwesterly corner of said Lot 1 of Moon Ridge Subdivision, common with the southwest corner of said Lot 3 of Moon Ridge Subdivision; thence, sixth course: N00°12'56"E, along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 446.88 feet; thence, seventh course: N00°11'53"E along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 436.16 feet, to the northwesterly corner of said Lot 3 of Moon Ridge Subdivision, and the Point of Beginning; said parcel contains 13.469 acres more or less, more generally described as being located at the intersection of U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Public District be approved subject to approval of the related Amendment to the Comprehensive Plan.

*17. No. 03PD042 - Red Rock Estates

A request by Avvampato Construction Company to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 29, Block 11, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6416 Muirfield Drive.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

Urban Planning Division Recommendations:

1. **A minimum 18 foot front yard setback shall be maintained for the principal structure along Muirfield Drive. In addition, a minimum 25 foot front yard setback shall be maintained along Maidstone Court;**
2. **All provisions of the Low Density Residential District shall be met unless exceptions have been specifically authorized; and,**
3. **The single family residence shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development.**

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

*20. No. 03PD045 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow a mobile home park** on Tract A and Tract B of Henrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to allow a mobile home park to the October 23, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

21. No. 03PL090 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Layout, Preliminary and Final Plat** on Tract A and Tract B of Henrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the October 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.

22. No. 03SV034 - Hendrickson Addition

A request by Davis Engineering for Lyle Hendrickson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A and Tract B of Henrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 East Watertown Street.

Planning Commission recommended that the Variance to the Subdivision

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Regulations to waive the requirement to install sidewalks be continued to the October 23, 2003 Planning Commission meeting to be heard in conjunction with an associated Layout, Preliminary and Final Plat.

23. No. 03PL081 - Hillsview Subdivision #2

A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2 of Hillsview Subdivision #2 and dedicated right-of-way, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1829 Hillsview Drive.

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

Engineering Division Recommendations:

1. **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;**
2. **Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised to show a sidewalk along both sides of Hillsview Drive, Red Dale Drive and West St. Patrick Street or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; and,**

Urban Planning Division Recommendations:

5. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

24. No. 03SV029 - Hillsview Subdivision #2

A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God to consider an application for a **Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hillsview Subdivision #2 and dedicated right-of-way, Section 4, SW1/4 SW1/4 of T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1829 Hillsview Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides be approved.

25. No. 03PL082 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien to consider an application for a **Layout Plat** on Lots 1 through 33 of Block 10 of Fairway Hills P.R.D. and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills P.R.D. and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.

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

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, 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;
2. Upon submittal of the Preliminary Plat, a pavement design with supporting geotechnical information shall be submitted for review and approval;
3. Upon submittal of the Preliminary Plat, a drainage study and grading plan shall be completed to identify all street drainage improvements, including but not limited to conveyance of existing flows across and through the property, relocation of existing conveyances and in compliance with the Flood Plain Ordinance and the City's Drainage Criteria Manual;
4. Upon submittal of the Preliminary Plat, the applicant shall enter into a cost sharing agreement with the City for necessary off-site water extensions to help extend the capacity of the existing Southwest Pressure Zone System if this zone is needed to serve the development;
5. Upon submittal of the Preliminary Plat, sewer plans showing the construction sewer mains within platted rights-of-way shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of the Preliminary Plat, the plat document shall be revised to show all easements for proposed and existing utilities as indicated on the red lined plans;
7. Upon submittal of the Preliminary Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road except for the approved intersection location. In addition, a non-access easement shall be shown along double frontage lots requiring access from the lesser order street and at all intersections as per the Street Design Criteria Manual;
8. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street

design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, any Special Exception requests to the Street Design Criteria Manual shall be clearly identified. Any proposed phasing limits shall be submitted for review and approval and identified on the construction plans;

9. Upon submittal of the Preliminary Plat, the construction plans shall be revised to identify traffic controls at the three way intersection;
10. Upon submittal of the Preliminary Plat, the plat document shall be revised to provide an additional 14 feet of right-of-way along Sheridan Lake Road or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of the Preliminary Plat, the construction plans shall be revised to show South No Name Court and North No Name Court as a minimum 49 foot wide right-of-way with a 24 foot wide paved surface;
12. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
13. Prior to the start of any construction within the area of the property located within the 100 year federally designated floodplain, a Letter of Map Revision shall be obtained from the Federal Emergency Management Agency;

Fire Department Recommendation:

14. Upon submittal of the Preliminary Plat, the road construction plans shall provide a minimum 92 foot diameter driving surface in the proposed cul-de-sac(s);

Emergency Services Communication Center Recommendation:

15. Prior to Final Plat approval, alternate road names for North No Name Court and South No Name Court shall be submitted for review and approval. In addition, the plat document shall be revised to show the revised road names;

Urban Planning Division Recommendations:

16. Upon submittal of the Preliminary Plat, a phasing plan shall be submitted identifying the connection through the site to Sheridan Lake Road as a part of Phase One of the development. In addition, the street connection shall be in place prior to the issuance of a building permit;
17. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the Fairway Hills Planned Residential Development shall be obtained to allow a townhome development in lieu of the previously approved garden homes; and,
18. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

26. **No. 03SV030 - Fairway Hills P.R.D.**

A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 33 of Block 10 of Fairway Hills P.R.D. and dedicated Right-of-Way, located in the W1/2 of Section 15,

Draft

T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills P.R.D. and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street be approved.

27. No. 03PL086 - S.G. Interstate Plaza Subdivision

A request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Coca Cola Lane on North Plaza Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the existing drainage easement can accommodate flows from the subject property;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide an additional 17 feet of right-of-way along Plaza Drive or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of curb, gutter and street light conduit along Plaza Drive as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; and,**

Urban Planning Division Recommendation:

5. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

28. No. 03SV032 - S.G. Interstate Plaza Subdivision

A request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and**

street light conduit along Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Coca Cola Lane on Plaza Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk and street light conduit along Plaza Drive be approved with the following stipulation:

Engineering Division Recommendation:

- 1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.**

29. No. 03PL089 - Craig Estates

A request by Dream Design International, Inc. for Hank Craig to consider an application for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the 4200 block of Parkview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the October 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.

30. No. 03SV033 - Craig Estates

A request by Dream Design International, Inc. for Hank Craig to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, paving, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the 4200 block of Parkview Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, paving, sidewalk, street light conduit, sewer and water be continued to the October 23, 2003 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.

31. No. 03PL091 - Auburn Hills Subdivision

A request by Renner and Sperlich for Doeck, LLC to consider an application for a

Layout, Preliminary and Final Plat on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the October 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.

32. No. 03RZ037 - Auburn Hills Subdivision

A request by Renner and Sperlich for Doeck, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: S00°12'10"W, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: S89°42'30"W, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: N00°02'42"E, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of 09°57'36", an arc length of 82.40 feet, a chord bearing of N85°13'22"E, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course: S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to a point of curve; thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the October 9, 2003

Planning Commission meeting to be considered in conjunction with a Planned Development Designation.

33. No. 03RZ033 - Sections 9, 16, and 17, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, the 100 foot South Dakota Railroad Authority right-of-way lying adjacent and north of Lot H2 in the NW1/4NE1/4 and Lot H5 in the NE1/4NW1/4 and Lot H2 in the N1/2SW1/4NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998 in the N1/2NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4SE1/4NW1/4 and the east 190 feet of the north 600 feet of the NW1/4SE1/4NW1/4 of said Section 16; the balance of the S1/2NE1/4SE1/4NW1/4 of said Section 16; and the SW1/4SW1/4SW1/4NW1/4 of said Section 16, Pennington County, South Dakota; and, Lot H1 in the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.

34. No. 03RZ034 - Terracita Park Subdivision

A request by the City of Rapid City and Walter Linderman to consider an application for a **Rezoning from Office Commercial District to Medium Density Residential District** on a portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angle of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and,

BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Alta Vista Drive and Minnesota Street.

Planning Commission recommended that the Rezoning from Office Commercial District to Medium Density Residential District be approved for that portion of the property currently zoned Office Commercial District.

35. No. 03TI009 - Section 3, T1N, R8E and Section 34, T2N, R8E

A request by Dream Design International to consider an application for a **Resolution Creating Tax Increment District No. 42** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located

in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Planning Commission recommended that the Resolution Creating Tax Increment District No. 42 be continued to the October 9, 2003 Planning Commission meeting.

36. No. 03TI010 - Section 3, T1N, R8E and Section 34, T2N, R8E

A request by Dream Design International to consider an application for a **Tax Increment District No. 42 - Project Plan** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4,

Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Planning Commission recommended that the Project Plan for Tax Increment District No. 42 be continued to the October 9, 2003 Planning Commission meeting.

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

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

Planning Commission continued the Revocation of a Use on Review to allow a Communication Tower in Public District to the October 23, 2003 Planning Commission meeting at the applicant's request.

*40. No. 03UR007 - Original Town of Rapid City

A request by Mike Derby for Quincy Professional Trust to consider an application for a **Conditional Use Permit to allow professional offices in High Density Residential District** on Lot 26 and the west 19 feet of Lot 27, Block 101, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 914 Quincy Street.

Planning Commission denied without prejudice the Conditional Use Permit to allow professional offices in High Density Residential District at the applicant's request.

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

*41. No. 03UR012 - Ridge Park Estates Subdivision No. 4

A request by Ron J. Stevens to consider an application for a **Conditional Use Permit to allow a private residential garage in excess of 30% of the gross floor area of the dwelling unit and greater than 1500 square feet in area** on Lot 37 Revised, Ridge Park Estates Subdivision No. 4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1202 Flormann Street.

Planning Commission approved the Conditional Use Permit to allow a private

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residential garage in excess of 30% of the gross floor area of the dwelling unit and greater than 1500 square feet in area with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall maintain the first 50 feet of access to the garage as a paved access way at all times;

Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the initiation of construction of any development associated with the Conditional Use Permit;

Urban Planning Division Recommendations:

3. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes prior to the issuance of a building permit;
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit, and,
5. The construction of all additional structures shall be constructed to match architectural standards including style, color, and materials of the existing structure.

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

---END OF HEARING CONSENT CALENDAR---

Elkins requested that Items 13 and 14 be considered concurrently.

13. No. 03CA021 - Moon Ridge Subdivision

A request by William Schleining to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.3 acre parcel of land from General Commercial to Public** on the east 400 feet of Lot 3, Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Moon Meadows Road.

14. No. 03CA022 - Moon Ridge Subdivision

A request by William Schleining to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 19.33 acre parcel of land from Limited Agriculture, Agriculture and Forest to Public** on Lot 3 less the east 400 feet, Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Moon Meadows Road.

Elkins explained that Items 13 and 14 are requests by the U.S. Forest Service for Amendments to the Comprehensive Plan. She explained that the Future Land Use

Committee did not have time to address these items at their last meeting. She added that if they wish the Planning Commission can continue the requests to the October 23, 2003 Planning Commission to allow the Future Land Use Committee time to review the applications or approve the requests based on staff's recommendation.

In response to a question by Hoffmann, Elkins explained that there have been a few occasions where the Planning Commission has reviewed requests without receiving recommendations from the Future Land Use Committee.

Schmidt stated that he supports the work that the Future Land Use Committee does and asked if the Planning Commission would be creating any problems for the applicant if these requests were continued to the October 23, 2003 Planning Commission meeting. Elkins advised that staff is not aware of any problems.

Schmidt moved and seconded by Prairie Chicken to continue Items 13 and 14 to the October 23, 2003 Planning Commission meeting to allow the Future Land Use Committee time to review the applications.

In response to a question by Prairie Chicken, Doug Sperlich, agent for the applicant, explained that the U.S. Forest Service is having the project designed by the Corp of Engineers. He added that they are in the 30-50% design stage and a continuance will not have any affect on their time schedule.

Brannan stated she supports staff's recommendation to approve Items 13 and 14 now rather than continue the items to the October 23, 2003 Planning Commission meeting. She stated that she attended the last Future Land Use Committee and does not recall that there were any major issues or concerns regarding the requests.

The vote on the motion to continue Items 13 and 14 to the October 23, 2003 Planning Commission meeting failed. (2 to 4 with Schmidt and Prairie Chicken voting yes and Brannan, Brown, Fast Wolf and Hoffman voting no)

Brannan moved, seconded by Brown and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 12.3 acre parcel of land from General Commercial to Public and the Amendment to the Comprehensive Plan to change the future land use designation on a 19.33 acre parcel of land from Limited Agriculture, Agriculture and Forest to Public be approved. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

*18. No. 03PD043 - Fish Hatchery Subdivision

A request by John Skulborstad for Dakota Land Development, LLC to consider an application for a **Major Amendment to a Planned Residential Development** on Lot F1 less Cleghorn Canyon #2 and Lot 1 of Lot F1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4600 Jackson Boulevard.

Fisher explained that the applicant has expressed concern with stipulation #4 which would require the applicant to obtain an Industrial Pre-treatment Permit prior to issuance of a Building Permit. She further explained that the applicant has indicated that he sends his film out to be processed. She stated that staff is recommending that the Major Amendment to a Planned Residential Development be approved with the elimination of stipulation #4.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;
2. Prior to issuance of a building permit for proposed Lots 2 and 3, the Final Plat shall be approved by the City Council;
3. All residential structures shall be constructed within the serviceable water zone boundary as shown on the site plan;
4. A Manual of Uniform Traffic Control Devices (MUTCD)/Complaint Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
5. The proposed interior road shall be posted with “no-parking” signs;

Fire Department Recommendations:

6. All Uniform Fire Codes must be continually met;
7. Any lot with a residence located more than 150 feet from a fire hydrant shall provide an emergency vehicle turnaround on the lot;
8. Prior to the start of any building construction, all weather access roads shall be constructed;
9. Prior to the start of any building construction, fire hydrants shall be in place and operational;
10. Prior to the start of any building construction, a wildland fire mitigation plan shall be completed as required by the Fire Department;

Building Inspection Division Recommendation:

11. A building permit shall be obtained prior to any construction;
12. A maximum one square foot sign shall be allowed for the Major Home Occupation or a variance shall be obtained from the Sign Code Board of Appeals to allow a larger sign. If a variance is granted from the Sign Code Board of Appeals allowing a larger sign, then a Major Amendment to the Planned Residential Development shall be obtained prior to issuance of a Sign Permit;

Air Quality Division Recommendation:

13. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;

Urban Planning Division Recommendations:

14. **The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. In addition a photography studio shall be allowed within the residence to be constructed on proposed Lot 1. Any other use other than residential with accessory structures on proposed Lots 1 thru 3 and a photography studio on proposed Lot 1 shall require a Major Amendment to the Planned Residential Development;**
15. **The photography studio hours of operation shall be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 2:00 p.m. Saturday;**
16. **The photography studio shall not exceed 30% of the total floor area of the residence or a maximum of 1,200 square feet;**
17. **Landscaping shall be planted in compliance with the Landscaping Plan. In particular, a minimum of twelve trees shall be planted along the north lot line of proposed Lot 1;**
18. **All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;**
19. **The minimum lot size requirement of the Park Forest District for proposed Lots 1 and 2 shall be reduced from three acres to 1.84 and 1.43 acres, respectively. In addition, proposed Lot 3 shall have a minimum lot size of 19.5 acres;**
20. **One off-street paved parking space shall be provided on each lot for visitor parking on Lots 2 and 3. The two off-street parking spaces required for the residential use shall not count towards this requirement;**
21. **Two off-street parking spaces shall be provided on Lot 1 for the residential use and a maximum of three off-street parking spaces shall be provided for the Major Home Occupation. One of the three spaces shall be van handicap accessible; and,**
22. **The Planned Residential 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. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)**

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

- *19. No. 03PD044 - Section 21, T1N, R7E
A request by TSP Three, Inc. for Calvary Lutheran Church to consider an application for a **Planned Residential Development - Initial Development Plan** on Lot 1 of the SE1/4NE1/4 less the west 264 feet and less Lot H1; Lot 2 of the SE1/4 NE1/4 less Lot H1; and, Lot 3 of the SE1/4 NE1/4 less right-of-way and less Lot H1; all located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5275 Sheridan Lake Road.

In response to a question by Schmidt, Elkins stated that she spoke with Steve Nolan regarding his parking concerns. She added that the stipulations of approval address his concerns and that he is comfortable with the Planning Commission approving the Planned Residential Development - Initial Development Plan as long as the future phases of development, including the school and retreat center, are addressed through a Major Amendment procedure.

In response to a question by Schmidt, Tim Cheever, TSP Three, Inc., stated that the applicant has discussed connecting the two parking lots and added that there will be a complete landscape plan submitted and additional information regarding access from Sheridan Lake Road will be submitted as part of a Final Development Plan. Cheever added that the owner has indicated to him that there are no immediate plans for the retreat center or school; however, they wanted that option available at some time in the future. He added that there will not be any future phases of development on the site for at least 10 years.

Discussion followed concerning access.

Steve Nolan, 5309 Chateau Ridge Court, stated that his main concern is the proposed location of the retreat center. Nolan stated that he does not oppose approval of the Initial Development Plan but added that he would want to be notified again and have input when the applicant submits a Final Development Plan.

In response to a question by Hoffmann, Elkins advised that the Planning Commission may wish to revise Stipulation #15 to read that prior to Final Development Plan approval for the school and the retreat center additional information regarding those future phases shall be submitted for review and approval.

In response to a question by Hoffmann, Cheever advised that he understands the stipulations of approval.

In response to a question by Schmidt, Cheever advised that due to financial considerations the church does not plan to do any other work on the property for at least 10 years. He added that the school would be the last phase.

Schmidt moved and seconded by Prairie Chicken to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Final Development Plan approval, a revised site plan showing compliance with the minimum distance requirements between approaches and intersections with stoplights shall be submitted for review and approval;**
- 2. Prior to Final Development Plan approval, additional information regarding the construction plans for meeting the requirements of the Street Design Criteria Manual for Sunshine Trail, as well as the proposed turnaround located at Sunshine Trail shall be submitted;**
- 3. Prior to Final Development Plan approval, additional drainage**

- information for the site shall be submitted for review and approval;
4. Prior to Final Development Plan approval, a revised site plan shall be submitted showing pedestrian accessibility to the site including potential sidewalks along Sunshine Trail;
 5. Prior to Final Development Plan, a grading plan shall be submitted for review and approval;

Fire Department Recommendations:

6. Prior to Final Development Plan approval, additional information regarding on-site water and sewer main construction plans and profiles shall be submitted for review and approval;
7. Prior to Final Development Plan approval, a revised site plan shall be submitted showing an additional Fire Hydrant at the site, if there is no internal road networking being utilized in the Final Development Plan design;
8. Access for emergency vehicle apparatus must be maintained for the site at all times;
9. Prior to Final Development Plan approval, a plan shall be submitted demonstrating Emergency Vehicle access along all points of Sunshine Trail at all times;
10. Prior to the issuance of a building permit, additional information shall be submitted showing compliance with the Uniform Fire Code regarding fire sprinklers and fire alarms;
11. The structure shall be sprinklered throughout;

Transportation Planning Division Recommendations:

12. Prior to Final Development Plan approval, a revised site plan shall be submitted identifying the installation of no parking signs along Sunshine Trail as well as the cul-de-sac on Sunshine Trail;

Air Quality Division Recommendations:

13. Prior to any surface disturbance at the site an Air Quality permit shall be obtained;

Urban Planning Division Recommendations:

14. Prior to Final Development Plan approval, a revised site plan shall be submitted showing an internal driveway connection between the north and south parking areas;
15. Prior to Final Development Plan approval for the school and the retreat center, additional information regarding those future phases shall be submitted for review and approval;
16. Prior to Final Development Plan approval, a lighting plan shall be submitted for review and approval;
17. Prior to Final Development Plan approval, a sign package shall be submitted for review and approval; and
18. Prior to Final Development Plan approval, the applicant shall identify the colors of the proposed structure as being earth tone in nature.

Clay Cline, 3350 Sunshine Trail, expressed his concerns with the development of a school adjacent to his property.

In response to a question by Schmidt, Elkins stated that the sidewalk would be on the church's side of the property.

In response to a question by Brannan, Cheever advised that the applicant's main focus is to build a church.

Dave DeMaranville, 3310 Sunshine Trail, expressed concerns with the condition of Sunshine Trail. He added that in his opinion the road should be paved and City sewer and water should be extended to the site.

Discussion followed concerning future platting of the house site which is separate from the church site. Elkins explained that if the applicant were to proceed with platting of the house site, the Subdivision Regulations would be triggered. She added that the road would have to be built to City standards at that time.

The vote on the motion unanimously carried to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Development Plan approval, a revised site plan showing compliance with the minimum distance requirements between approaches and intersections with stoplights shall be submitted for review and approval;
2. Prior to Final Development Plan approval, additional information regarding the construction plans for meeting the requirements of the Street Design Criteria Manual for Sunshine Trail, as well as the proposed turnaround located at Sunshine Trail shall be submitted;
3. Prior to Final Development Plan approval, additional drainage information for the site shall be submitted for review and approval;
4. Prior to Final Development Plan approval, a revised site plan shall be submitted showing pedestrian accessibility to the site including potential sidewalks along Sunshine Trail;
5. Prior to Final Development Plan, a grading plan shall be submitted for review and approval;

Fire Department Recommendations:

6. Prior to Final Development Plan approval, additional information regarding on-site water and sewer main construction plans and profiles shall be submitted for review and approval;
7. Prior to Final Development Plan approval, a revised site plan shall be submitted showing an additional Fire Hydrant at the site, if there is no internal road networking being utilized in the Final Development Plan design;
8. Access for emergency vehicle apparatus must be maintained for the site at all times;
9. Prior to Final Development Plan approval, a plan shall be submitted demonstrating Emergency Vehicle access along all points of Sunshine Trail at all times;
10. Prior to the issuance of a building permit, additional information shall be submitted showing compliance with the Uniform Fire Code regarding fire sprinklers and fire alarms;

11. The structure shall be sprinklered throughout;

Transportation Planning Division Recommendations:

12. Prior to Final Development Plan approval, a revised site plan shall be submitted identifying the installation of no parking signs along Sunshine Trail as well as the cul-de-sac on Sunshine Trail;

Air Quality Division Recommendations:

13. Prior to any surface disturbance at the site an Air Quality permit shall be obtained;

Urban Planning Division Recommendations:

14. Prior to Final Development Plan approval, a revised site plan shall be submitted showing an internal driveway connection between the north and south parking areas;

15. Prior to Final Development Plan approval for the school and the retreat center additional information regarding those future phases shall be submitted for review and approval;

16. Prior to Final Development Plan approval, a lighting plan shall be submitted for review and approval;

17. Prior to Final Development Plan approval, a sign package shall be submitted for review and approval; and

18. Prior to Final Development Plan approval, the applicant shall identify the colors of the proposed structure as being earth tone in nature. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

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

37. No. 03TI011 - Red Rock Estates

A request by the City of Rapid City to consider an application for a **Resolution Creating Tax Increment District #43** on property described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; lying within the SW1/4 of Section 20 and the SE1/4 of Section 19, T1N, R7E, BHM, Pennington County, South Dakota; Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; lying within the NE1/4 and SE1/4 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota; Lots 1-11 of Block 1, Lots 1-19 of Block 2, Lots 1-3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 7-9 of Block 7, Lots 1-6 and Outlot G-1 of Block 10, Lots 1-37 of Block 11, Lots 1-13 of Block 12, Lots 1-5 of Block 13, Lot 1A, Lot 1B and Lots 2-6 of Block 14, Outlot 1, Outlot G, Lot P (Utility Lot) and dedicated

streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6, 7, 8, 9, 10A, 10B, 11A, and 11B of Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1-6 of Block 7, Lots 1-3 of 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 less Red Rock Estates and less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Sheridan Lake Road and Muirfield Drive and north of Countryside Subdivision.

Green advised that it is the opinion of the City Attorney's office that the statutory requirement that 25% of the land to be included within the district be blight is not satisfied with this Tax Increment District.

In response to a question by Prairie Chicken, Elkins stated that the Tax Increment Financing Committee felt that the proposed district was blighted and that the statutory requirements were met and as such recommended approval based on public safety issues related specifically to the lack of adequate water pressure for fire flows particularly during peak periods. She noted the concerns that have been expressed by the Fire Department Staff regarding inadequate water for fire protection flows.

Discussion followed concerning the interpretation of what constitutes a blighted area.

In response to a question by Kooiker, Green advised that there are three different sections of statute that define what constitutes blight and that this particular Tax Increment District falls into the open area category. He added that open areas are considered blighted when there is diversity of ownership, obsolete platting, deteriorated structures, etc. He added that the analysis is based on the criteria listed in the statute but ultimately it is a fact determination that the City Council makes. He further added that in this particular case, it is the opinion of the City Attorney's Office that the facts do not support the criteria that is set out in the statute.

In response to a question by Schmidt, Green advised that at least 25% of the land included within the Tax Increment District must be blighted.

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Elkins pointed out that this water reservoir was approved in a previous Tax Increment District but upon further review by Engineering Staff it was determined that it would be better to locate the reservoir slightly outside of the original Tax Increment District. She further explained that this Tax Increment District is being created as an overlapping Tax Increment District. She added that this Tax Increment District includes a small area for the water reservoir that has subsequently been annexed.

Discussion followed concerning the Legislature addressing a broader definition of blight.

Schmidt stated that he supports approval of this particular Tax Increment District but added that in his opinion the Planning Commission should be following City Attorney's opinion on Tax Increment Districts.

Brennan moved, seconded by Brown and unanimously carried to recommend that the Resolution Creating Tax Increment District #43 be approved. (4 to 2 with Brennan, Brown, Hoffmann, and Schmidt voting yes and Fast Wolf and Prairie Chicken voting no)

38. No. 03TI012 - Red Rock Estates

A request by the City of Rapid City to consider an application for a **Tax Increment District #43 - Project Plan** on property described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; lying within the SW1/4 of Section 20 and the SE1/4 of Section 19, T1N, R7E, BHM, Pennington County, South Dakota; Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; lying within the NE1/4 and SE1/4 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota; Lots 1-11 of Block 1, Lots 1-19 of Block 2, Lots 1-3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 7-9 of Block 7, Lots 1-6 and Outlot G-1 of Block 10, Lots 1-37 of Block 11, Lots 1-13 of Block 12, Lots 1-5 of Block 13, Lot 1A, Lot 1B and Lots 2-6 of Block 14, Outlot 1, Outlot G, Lot P (Utility Lot) and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6, 7, 8, 9, 10A, 10B, 11A, and 11B of Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1-6 of Block 7, Lots 1-3 of 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 less Red Rock Estates and less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Sheridan Lake Road and Muirfield Drive and north of Countryside Subdivision.

Brennan moved, seconded by Brown and carried to recommend that the Project Plan for Tax Increment District #43 be approved. (4 to 2 with Brennan, Brown, Hoffmann, and Schmidt voting yes and Fast Wolf and Prairie Chicken voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that Items 42 and 43 be considered concurrently.

42. No. 03CA019 - Robbinsdale No. 8 and Robbinsdale No. 9
A request by Walgar Development to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.823 acre parcel of land from Low Density Residential to Low Density Residential II** on Lot 19, Block 2, Robbinsdale No. 9; Lot 26, Block 13, Robbinsdale No. 8; Lot 42, Block 11, Robbinsdale No. 8; all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sitka Street.
43. No. 03RZ031 - Robbinsdale No. 8 and Robbinsdale No. 9
A request by Walgar Development to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II** on Lot 19, Block 2, Robbinsdale No. 9; Lot 26, Block 13, Robbinsdale No. 8; Lot 42, Block 11, Robbinsdale No. 8; all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sitka Street.

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

Discussion followed concerning densities, the Low Density Residential II District and the use of public streets to access existing developed residential neighborhood.

In response to a question by Prairie Chicken, Elkins advised that duplexes could be built on the proposed lots if rezoned to Low Density Residential II.

Janet Tischler, 3610 Hemlock Street, expressed her concerns with increased densities and traffic and requested that the rezoning be denied based on the impact

on the existing neighborhood.

Walt Linderman, applicant, explained that the proposed lots are next to the trailer court and abut the Pennington County Highway equipment lot. He added that in his opinion he felt that a nice duplex would be appropriate rather than a single family residence at this site. He added that he has also received requests for owner occupied duplexes, where the owner wants to live in one side of the duplex and rent the other side.

Discussion followed concerning the private driveway through the mobile home park and traffic and turning movements onto South Highway 79.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.823 acre parcel of land from Low Density Residential to Low Density Residential II and the Rezoning from Low Density Residential District to Low Density Residential II be denied. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

Elkins requested that Items 44 and 45 be considered concurrently.

44. No. 03CA020 - Robbinsdale No. 10

A request by Walgar Development to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.21 acre parcel of land from Low Density Residential to Medium Density Residential** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Alta Vista Drive and Anamaria Drive.

45. No. 03RZ032 - Robbinsdale No. 10

A request by Walgar Development to consider an application for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Alta Vista Drive and Anamaria Drive.

Elkins presented the request and reviewed the slides of the subject property and staff's recommendation. She further explained that the applicant recently submitted a new application for an Amendment to the Comprehensive Plan to change the future land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development.

Schmidt moved, seconded by Brown and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.21 acre parcel of land from Low Density Residential to Medium Density Residential be denied without prejudice and that the Rezoning from Low Density Residential II District to Medium Density Residential District be continued to the October 23, 2003 Planning Commission meeting to be considered in conjunction with an application for

a Planned Development Designation. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

46. No. 03SR033 - Section 12, T1N, R7E

A request by Faulk and Foster for Western Wireless to consider an application for an **11-6-19 SDCL Review of a public utility** on Tract A of Lot 1 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

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

Lengthy discussion followed concerning the recently approved Ordinance Amendment, the 11-6-19 SDCL Review procedures, allowing microcell towers as a conditional use and the City Council's intent regarding notification procedures for microcell towers.

Elkins explained the 11-6-19 SDCL Review language specifies that public utilities must go through an 11-6-19 SDCL Review process rather than the standard Conditional Use Permit process. She added that there are no notification requirements with 11-6-19 SDCL Reviews. She further explained that staff is hoping that the Legislature will address the 11-6-19 SDCL Review process during the next session.

Green explained that under adopted Federal law any electronic devices that have the approval of the Federal Communications Commission such as the proposed antennas cannot be denied placement based on any perceived adverse health affects. He added that Federal law is also clear that the balance of the Zoning Ordinance is applicable to these types of devices. He stated that it would be appropriate for the Planning Commission to consider those other considerations. He cautioned the Planning Commission that it is not appropriate to consider any adverse affects on pace makers or other health issues.

Lengthy discussion followed concerning notification procedures, the City Council's actions regarding the Ordinance Amendment to allow microcell towers with a High Density Residential District and the Council's desire to notify area residents.

In response to a question by Kookier, Green advised that the Planning Commission cannot force the applicant to do additional notifications beyond the requirements of State law. He explained that the Planning Commission could direct staff to prepare additional notifications at taxpayer expense. Green further reviewed what would be an inappropriate basis for denial.

In response to a question by Brown, Ralph Wyngarden, Faulk and Foster for Western Wireless, explained that microcell equipment is expensive and grounded extensively. He added that in his opinion there is no correlation between lightening strikes and the increase in microcell towers in the area.

Discussion followed concerning regulations regarding placement of cellular facilities, ensuring service, co-locating facilities, the different types of microcell

towers and establishing standards.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to recommend that the 11-6-19 SDCL Review of a public utility be continued to the October 9, 2003 Planning Commission meeting and to direct staff to send official notice of the hearing by first class mail to those who own property within 250 feet of the property under consideration.

Discussion followed concerning policy matters, judicial challenges, reasonable basis for denial and other requirements of the Zoning Ordinance.

Schmidt called the question. The vote on calling the question carried. (4 to 2 with Brown, Fast Wolf, Prairie Chicken and Schmidt voting yes and Brannan and Hoffmann voting no)

The vote on the motion unanimously carried to recommend that the 11-6-19 SDCL Review of a public utility be continued to the October 9, 2003 Planning Commission meeting and to direct staff to send official notice of the hearing by first class mail to those who own property within 250 feet of the property under consideration. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

47. Discussion Items

None

48. Staff Items

A. Notification Procedures on 11-6-19 SDCL Review for Cellular Towers

Elkins suggested that the Planning Commission direct staff to notify by first class mail those who own property within 250 feet of the property under consideration for an 11-6-19 SDCL Review for cellular towers that would otherwise require a Conditional Use Permit.

Schmidt moved, seconded by Prairie Chicken and unanimously carried to direct staff to notify by first class mail those who own property within 250 feet of the property under consideration for an 11-6-19 SDCL Review for cellular towers that would otherwise require a Conditional Use Permit. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)

49. Planning Commission Items

A. Planning Commission Membership

In response to a question by Schmidt, Elkins advised that there are now two vacancies on the Planning Commission. She explained that one of the vacancies is for Paul Swedlund. She added that earlier this week, Dr. Grace Mickelson resigned her position. Elkins added that the Mayor is in the process of looking for individuals who would be willing to serve on the Planning Commission. She explained that the Planning Commission does have to have an individual from Ward 2. Elkins stated that if the Planning

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Commission knows of anyone who is interested in being on the Planning Commission please have them contact the Planning Staff or the Mayor's Office for an interest form.

A brief discussion followed concerning attendance and establishing a quorum for the October 9, 2003 Planning Commission meeting.

50. Committee Reports

A. City Council Report (September 2, 2003)

Discussion followed concerning the City Council's action on the Rezoning requests from Park Forest District to Medium Density Residential District. Elkins explained that rezoning requests are an Ordinance amendment and require six affirmative votes. She explained that these rezoning requests failed with a 5 to 4 vote.

A brief discussion followed concerning neighborhood concerns.

There being no further business Schmidt moved, seconded by Brown and unanimously carried to adjourn the meeting at 8:35. (6 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Prairie Chicken and Schmidt voting yes and none voting no)