

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 8, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken, Ethan Schmidt and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Tim Behlings, John Niehaus, Kurt Huus, Sig Zveinieks, Joel Landeen 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.

Nash requested that Item 2 be removed from the Non-Hearing Consent Agenda for separate consideration. Schmidt requested that Item 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Items 2 and 11. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 25, 2004 Planning Commission Meeting Minutes.
3. No. 04PL029 - Windgate Subdivision
A request by Centerline, Inc. for Olsen Development Co, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 28, Block 5, Windgate Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of Twilight Drive and Meadow Lane.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned;**
2. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the utility plans as identified on Rapid Valley Sanitary District's redlined drawings. In addition, the redlined drawings shall be returned;**
3. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**

4. All applicable provisions of the Uniform Fire Code shall be continually met;
5. Prior to submittal of the Final Plat, the plat document shall be revised to show the labeling of a line dimension located on proposed Lot 28 from 5.40 feet to 18.5 feet;
6. A Special Exception is hereby granted to allow a 1% street section cross slope in lieu of a 2% street section cross slope as per the Street Design Criteria Manual;
7. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid and,
8. Final Plats for the subject property shall be submitted for review and approval as per the proposed phasing plan.

4. No. 04PL035 - Red Rock Meadows

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** in the E1/2 of NE1/4 of Section 29, W1/2 of NW1/4 of Section 28, and a portion of N1/2 of NE1/4 of SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Red Rock Estates.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the existing detention facility is adequately sized to accommodate run-off from the proposed development or additional detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, sanitary sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall identify that the capacity of the existing lift station, located in the Red Rock Estates development, is sized to handle the additional flows generated from the proposed development. The sewer plans shall also identify the size of the proposed lift station to be located on the subject property in order to insure that the lift station can handle the potential serve areas located north of the site. The sewer plan shall also verify that the sizing of the Sheridan Lake Road sanitary sewer accounted for transporting flows from the area of the proposed development;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review or a Variance to the Subdivision Regulations shall be obtained. The water plans shall identify

- water flow availability under current conditions with peak day and peak hour demands. In addition, the water plans shall identify the water availability from the proposed Red Rock reservoir and the proposed Stoney Creek well/booster in order to identify any phasing coordination needed between the proposed densities and the water improvements;
5. Upon submittal of a Preliminary Plat application, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to create Muirfield Drive in a "T" design with the east-west collector street. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;
 6. Upon submittal of a Preliminary Plat application, construction plans for Dunsmore Road extending north from Sheridan Lake Road a distance of 800 feet and a north-south arterial street as shown on the applicant's site plan shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the north-south arterial shall be relocated to align with the street location as identified on the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the street as shown on the Layout Plat;
 7. Upon submittal of a Preliminary Plat application, construction plans for the collector street extending from Dunsmore Road east to the arterial street and the east-west collector street located along the north lot line shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the collector street located between Dunsmore Road and the arterial street shall be relocated to align with the street location as identified on the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the street as shown on the Layout Plat;
 8. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a north-south collector street through the subject property as per the Major Street Plan or a Comprehensive Plan Amendment to revise the Major Street Plan shall be approved. In addition, construction plans for the collector street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light

- conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of the Preliminary Plat application, construction plans for the balance of the streets serving twenty or more lots shall be submitted for review and approval identifying that the streets shall be constructed to sub-collector street standards. In particular, the streets shall be located in a minimum 52 foot wide rights-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of the Preliminary Plat application, construction plans for the balance of the streets serving less than twenty lots shall be submitted for review and approval identifying that the streets shall be constructed to lane place street standards. In particular, the streets shall be located in a minimum 49 foot wide rights-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of the Preliminary Plat application, construction plans for the cul-de-sac bulbs shall be submitted for review and approval. In particular, the cul-de-sac bulbs shall be located in a minimum 110 foot wide diameter right-of-way and constructed with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of the Preliminary Plat application, the plat document shall show the dedication of the rights-of-way located on the adjacent properties as shown on the Layout Plat or the rights-of-way shall be dedicated as a part of a separate platting proposal. Either Way, the entire rights-of-way shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting only half of a right-of-way;
 13. Upon submittal of the Preliminary Plat application, a complete traffic analysis by a Traffic Engineer, to include average daily trips and peak hour trips at the intersection of the proposed section line road and Sheridan Lake Road as well as the intersection at the Muirfield Drive and Sheridan Lake Road and signal evaluation, shall be submitted for review and approval. Any revisions or reconstruction of the Muirfield Drive-Sheridan Lake Road intersection as so warranted by the comprehensive traffic analysis shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;
 14. Upon submittal of the Preliminary Plat application, a Phasing Plan for the proposed development shall be submitted for review and approval. In addition, the Phasing Plan shall identify that no more than forty dwelling units shall have one point of access or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained;
 15. Upon submittal of the Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility plan shall provide for the extension of public and private utilities through the subject property as well as to adjacent properties. In addition, the

- applicant shall work with Black Hills Power and Black Hills Electric Cooperative to clarify the service boundary location between the two utility companies;
16. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 17. Upon submittal of a Preliminary Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
 18. Upon submittal of a Preliminary Plat application, details of the proposed park shall be submitted for review and approval to the Department of Parks and Recreation;
 19. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 20. Prior to Preliminary Plat approval by the City Council, a 1,400 foot long north-south section line highway and a 400 foot long east-west section line highway 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 highways shall be vacated;
 21. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 1,100 foot long cul-de-sac without an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
 22. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
 23. Prior to Preliminary Plat approval by the City Council, that portion of the subject property located outside of the City limits shall be annexed into the City limits;
 24. Prior to the construction of a utility sub-station, a community well or a lift station, a Conditional Use Permit and/or a SDCL 11-6-19 Review shall be obtained depending upon ownership of the property and/or improvement;
 25. Prior to submittal of a Final Plat application, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
 26. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
5. No. 04PL037 - Morningside Addition
A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Preliminary Plat** on Lot 1 Revised of Block 7 of Morningside Addition, Addendum, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; Vacated Oriole Drive R.O.W. and Lots 5 and 6 of Block 8 of

Morningside Addition, Addendum, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of West Boulevard North along Oriole Drive and Thrush Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for Thrush Drive shall be submitted for review and approval. In particular, Thrush Drive shall be constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for West Boulevard North shall be submitted for review and approval. In particular, West Boulevard North shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for Oriole Drive shall be submitted for review and approval. In particular, Oriole Drive shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
5. **All Uniform Fire Code shall be continually met;**
6. **Prior to submittal of the Final Plat, the applicant shall enter into an agreement assuming responsibility for any replacement of surface improvement(s) for that portion of Oriole Drive to be vacated; and,**
7. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

6. No. 04PL038 - Feay Reder Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Richard and Gladys Bray to consider an application for a **Preliminary Plat** on Lots 1B and 2B of Lot B of Lot 3, Feay Reder Subdivision, located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot B of Lot 3, Feay Reder Subdivision located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9470 Sheridan Lake Road.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer for Lot 2B shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system;**

2. **Prior to Preliminary Plat approval by the City Council, the location of the existing well shall be identified. If a shared well is proposed than it shall be designed as a public water system 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. In addition, the plat document shall be revised to provide drainage easements as needed;**
 4. **Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;**
 5. **Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road except for the approved shared approach location;**
 6. **Prior to submittal of the Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement as per Chapter 16.12.190.E of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained;**
 7. **Prior to submittal of the Final Plat, the plat document shall be revised to a ten foot wide utility and minor drainage easement on the interior side of all lot lines in lieu of an eight foot wide easement as per Chapter 16.12.200.A of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained; and,**
 8. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
7. No. 03SR042 – Rapid City Greenway Tract
A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow a park improvement in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.
- Planning Commission recommended that the 11-6-19 SDCL Review to allow a park improvement in a public place be continued to the May 6, 2004 Planning Commission meeting to allow the applicant to submit additional information at the applicant's request.**
8. No. 04SR012 - Mowry Subdivision
A request by Ross Johnson for West River Electric Association, Inc. to consider an application for an **11-6-19 SDCL to allow a substation control house to be enlarged** on Lot 1 of Mowry Subdivision, Section 17, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1800 Country Road.
- Planning Commission recommended that the 11-6-19 SDCL Review to allow a substation control house to be enlarged to be approved.**
9. No. 04SR013 - Section 17, T1N, R9E
A request by the Alliance of Architects for Gustafson Builders to consider an application for an **11-6-19 SDCL Review to allow the construction of a building** in

the SW1/4 of Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4550 Terminal Road.

Planning Commission recommended that the 11-6-19 SCL Review to allow the construction of a building be approved with the following stipulations:

1. **Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
2. **Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and alarm system;**
3. **All applicable provisions of the Uniform Fire Codes shall be continually met;**
4. **A Knox Box shall be installed in an accessible location as determined by the Fire Department;**
5. **Prior to issuance of a Certificate of Occupancy, the address must be posted on the side of the building facing the street, with 12 inch high numbers plainly visible from the street on a contrasting background;**
6. **Prior to issuance of a Building Permit, a revised site plan must be submitted showing one van accessible handicapped parking stall;**
7. **Prior to issuance of a Building Permit, plans verifying the exit turning movements from the west parking area must be submitted;**
8. **Prior to issuance of a Building Permit, elevation drawings must be submitted to insure compliance with Section 100.08 and 100.09 of the Rapid City Municipal Code;**
9. **Prior to issuance of a Building Permit, drainage and grading plans must be submitted showing any increase runoff calculations and drainage routes; and,**
10. **Prior to issuance of a Building Permit, plans showing water and sewer service must be submitted.**

10. No. 04SR014 - Section 17, T1N, R9E

A request by the Alliance of Architects and Engineers for the Rapid City Regional Airport to consider an application for an **11-6-19 SDCL Review to allow construction of a building** in the SW1/4 of Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4550 Terminal Road.

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

1. **Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
2. **Prior to issuance of a Certificate of Occupancy, the address must be posted on the side of the building facing the street, with 12 inch high numbers plainly visible from the street on a contrasting background;**
3. **All applicable provisions of the Uniform Fire Codes shall be continually met;**
4. **Prior to issuance of a Building Permit, a revised site plan must be submitted showing one van accessible handicapped parking stall;**

5. **Prior to issuance of a Building Permit, elevation drawings must be submitted to insure compliance with Section 100.08 and 100.09 of the Rapid City Municipal Code;**
 6. **Prior to issuance of a Building Permit, drainage and grading plans must be submitted showing any increase runoff calculations and drainage routes; and,**
 7. **Prior to issuance of a Building Permit, plans showing water and sewer service must be submitted.**
12. No. 04VE004 - Autumn Hills Plaza Subdivision
A request by Dream Design International, Inc. to consider an application for a **Vacation of an Access Easement and Minor Drainage and Utility Easement** on Lot 2 of Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5255 Sheridan Lake Road.

Planning Commission recommended that the Vacation of an Access Easement and Minor Drainage and Utility Easement be approved.

13. No. 04VE007 - Carriage Hills Subdivision
A request by Thurston Design Group, LLP for Dr. John Herlihy to consider an application for a **Vacation of an Access, Reservoir and Well Easement** on Lot 5R, Block 4, Carriage Hills Subdivision, SW1/4 of Section 16 and the SE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 South Glenview Place.

Planning Commission recommended that the Vacation of an Access, Reservoir and Well Easement be approved with the following stipulation:

1. **Prior to the public hearing by the Planning Commission, all benefiting parties must sign the vacation petition.**

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

2. No. 04PL028 - Hanover Drive Properties
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 16 of Hanover Drive Properties located in the E1/2 of the NE1/4 of SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the NE1/4 of SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located off of Hanover Street.

Nash stated that he removed this item from the Non Hearing Items Consent Calendar so that he could abstain from voting.

Schmidt moved, seconded by Brown and carried to recommend that the Layout Plat be approved with the following stipulations:

1. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval**

- or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.
 3. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the South Robbinsdale Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary
 4. Upon submittal of a Preliminary Plat application, a grading plan showing both existing and final contours shall be submitted for review and approval;
 5. Upon submittal of a Preliminary Plat application, a master plan for the balance of the property shall be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a street connection to the east lot line of the subject property;
 7. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties;
 8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 9. Upon submittal of the Preliminary Plat application, road construction plans for the north-south street shall be submitted for review and approval. In particular, the road construction plans shall identify the street located within a minimum 52 foot wide right-of-way with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of the Preliminary Plat, the plat document shall be revised to align a side lot line located on the subject property with the side lot line of Lot 1, Block 6, Robbinsdale #11 located on an adjacent property in order to provide a looped water line or the plat document shall be revised to provide a 20 foot wide utility easement aligning with the adjacent lot as identified;
 11. Prior to Preliminary Plat approval by the City Council, a Special Exception allowing 154 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual shall be obtained or a second access road shall be provided;
 12. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 1,150 foot long cul-de-sac without an intermediate turnaround with a minimum 110 foot wide diameter cul-de-sac and a 90 foot wide paved surface every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;

13. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 14. **Prior to submittal of a Final Plat, the applicant shall submit a proposed street name to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,**
 15. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 to 1 with Brown, Fast Wolf, Henning, Hoffmann, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Nash abstaining)**
11. No. 04SR015 - Section 14, T1N, R7E

A request by Lund Associates LTD for Golden West Telecommunications to consider an application for an **11-6-19 SDCL Review to allow the expansion of a telecommunication, cable television and fiber optic equipment building** on the balance of Lot B of Lot C of the NW1/4 less right-of-way and less a portion of Thompson Tower Tract, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3850 Tower Road.

Schmidt stated that he removed this item from the Non Hearing Items Consent Calendar so that he could abstain from voting.

Nash moved, seconded by Brown and carried to recommend that the 11-6-19 SDCL Review to allow the expansion of a telecommunication, cable television and fiber optic equipment building be approved with the following stipulations:

1. **Prior to issuance of a Building Permit, a revised site plan showing one van accessible handicapped parking stall shall be submitted;**
2. **Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
3. **Prior to issuance of a Building Permit, a drainage plan shall be submitted along with calculations for the increased runoff, to insure that adequate protections can be provided to mitigate the impacts of the proposed addition; and,**
4. **Prior to issuance of a Building Permit, a revised site plan showing the water main and sewer service for the property shall be submitted. (7 to 0 to 1 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, and Wevik voting yes, none voting no and Schmidt abstaining)**

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 14 through 39 were hereby opened.

Staff requested that Item 38 be removed from the Hearing Consent Agenda for

separate consideration. Brown requested that Items 14 thru 29 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Items 32 and 33 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration.

Nash moved, seconded by Henning and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 39 in accordance with the staff recommendations with the exception of Items 14 thru 29, 32, 33 and 38. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

The Public Hearings on Items 14 through 39 were hereby closed with the exception of Items 14 thru 29, 32, 33 and 38.

30. No. 04CA015 – GELD Subdivision

A request by GELD, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 7.23 acre parcel from Residential to General Commercial** on Lot 1, Block 1, GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenues and north of Disk Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 7.23 acre parcel from Residential to General Commercial be approved in conjunction with the associated rezone request.

31. No. 04RZ013 - GELD Subdivision

A request by GELD, LLC to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 1, Block 1, GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenues and north of Disk Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan for the following legal description: That portion of Lot 1, Block 1 of Geld Subdivision that was previously described as the portion of the unplatted balance of the NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota lying north of Parcel 8 of the N1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

34. No. 04PL036 - Fountain Springs Business Park

A request by Franklin Simpson for Fountain Springs Development to consider an application for a **Layout and Preliminary Plat** on Tract N of the Fountain Springs Business Park located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the pavement width of Fountain Plaza Drive as it abuts the subject property is a minimum width of 26 feet or construction plans shall be submitted for review and approval providing the additional pavement width or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, construction plans providing curb and gutter along Fountain Plaza Drive 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 subdivision cost estimate shall be submitted for review and approval;**
5. **Upon submittal of the Final Plat, water and sewer connection fees shall be paid;**
6. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, Prior to submittal of the Final Plat, a Comprehensive Plan Amendment to the Long Range Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial shall be approved;**
7. **Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Fountain Plaza Drive except for approved approach location(s).**

35. No. 04RZ018 - Fountain Springs Business Park

A request by Franklin Simpson for Fountain Springs Development to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on a parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet;

thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be continued to the May 6, 2004 Planning Commission meeting.

36. No. 04SV019 - Fountain Springs Business Park

A request by Franklin Simpson for Fountain Springs Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on , legally described as on a parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

*37. No. 04PD023 – Millard Subdivision

A request by Schlimgen Design Consultants, Inc. for Our Redeemer Lutheran Church to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 24 thru 38, Block 9, Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Wood Avenue.

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

1. **A minimum front yard setback of 25 feet and a minimum 32 foot side**

- yard setback from the north property line shall be allowed for the existing structures. Any expansion or additions shall comply with the minimum 35 foot required setback for a church in a Medium Density Residential Zoning District or a Major Amendment to the Planned Residential Development shall be obtained;
2. Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
 3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer;
 4. Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and fire alarm system;
 5. All applicable provisions of the Uniform Fire Codes shall be continually met;
 6. Prior to issuance of a Building Permit, a profile and plans stamped by a licensed engineer must be submitted for any water main extensions larger than six inches;
 7. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
 8. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing one van accessible handicapped parking stall;
 9. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the alley being paved to City minimum construction standards from Van Buren Street through the driveway access to the parking lot;
 10. Prior to the construction or conversion of any sign on the property, a sign permit shall be obtained;
 11. Prior to Planning Commission approval, a revised site plan shall be submitted showing the tree located in the same location as an existing power pole in the parking lot along the east property line, in a location that will not interfere with any existing utilities;
 12. A minimum of 38,090 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 13. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
 14. Should the applicant fail to acquire the property, the Planned Residential Development will no longer be in effect, and the property will be unencumbered by any such designation.

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.

*39. No. 04UR005 - Robbinsdale No. 7 Subdivision

A request by Thurston Design Group, LLP for Presbyterian Retirement Village to consider an application for a **Conditional Use Permit to allow for the expansion of an existing health care facility** on all of Block 24A, Robbinsdale No. 7 Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 255 Texas Street.

Planning Commission approved the Conditional Use Permit to allow for the expansion of an existing health care facility with the following stipulations:

1. **Prior to initiation of construction, a building permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
2. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
3. **A minimum of 551,716 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
4. **Prior to the construction or conversion of any sign on the property, a sign permit shall be obtained;**
5. **The new addition to the skilled nursing center shall be fully fire sprinkled and fully fire alarmed;**
6. **The new addition shall not block any existing fire hydrants or access to any existing structures;**
7. **All Uniform Fire Codes shall be continually met;**
8. **Prior to issuance of a Building Permit, drainage and grading plans shall be submitted showing any increase runoff calculations and drainage routes;**
9. **Prior to issuance of a Building Permit, plans indicating if water and sanitary sewer service will be via existing lines or if new service lines will be installed shall be provided; and,**
10. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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---

Brown requested that Items 14 thru 29 be considered concurrently.

Brown stated that he removed Items 14 thru 29 from the Hearing Items Consent Calendar so that he could abstain from voting. A member of the audience requested that Item 16 be removed for separate consideration.

Prairie Chicken moved, seconded by Henning and carried to approve Items 14 thru 29 with the exception of Item 16 per staff's recommendations. (7 to 0 to 1 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Brown abstaining)

14. No. 04CA011 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 5.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

Brown stated that he removed Items 14 thru 29 from the Hearing Items Consent Calendar so that he could abstain from voting.

Prairie Chicken moved, seconded by Henning and carried to approve Items 14 thru 29 with the exception of Item 16 per staff's recommendations. (7 to 0 to 1 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Brown abstaining)

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 5.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

*15. No. 04PD022 – Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01

feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Planned Development Designation for the south portion of the subject property with the following legal description: from a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM. This is the point of beginning. Travel 484.47 feet at a bearing S89°27'22" East, then travel 121.99 feet at a bearing S00°46'13" West, then travel 282.52 feet at a bearing S75°51'59" West, then travel along a 437.22 foot radius concave southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet, then travel 27.01 feet at a bearing N54°20'05" West, then travel along a 100 foot radius concave easterly curve with a chord bearing N04°34'14" West a chord distance of 152.52 feet, then travel 273.99 feet at a bearing N45°10'32" East to the point of beginning; the area described contains approximately 2.95 acres" be approved contingent upon the approval of the associated rezoning from General Agriculture District to Office Commercial District, and the related Comprehensive Plan Amendment with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property; and,**

that the Planned Development Designation on the north balance of the property be continued to the April 22, 2004 Planning Commission meeting to allow the application to be heard in conjunction with the rezoning from Park Forest District to Office Commercial District.

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.

17. No. 04RZ014 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing

N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation and the related Comprehensive Plan Amendment with the following revised legal description: "from a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM. This is the point of beginning. Travel 484.47 feet at a bearing S89°27'22" East, then travel 121.99 feet at a bearing S00°46'13" West, then travel 282.52 feet at a bearing S75°51'59" West, then travel along a 437.22 foot radius concave southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet, then travel 27.01 feet at a bearing N54°20'05" West, then travel along a 100 foot radius concave easterly curve with a chord bearing N04°34'14" West a chord distance of 152.52 feet, then travel 273.99 feet at a bearing N45°10'32" East to the point of beginning; the area described contains approximately 2.95 acres".

18. No. 04CA012 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development be denied without prejudice.

*19. No. 04PD019 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by

metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated rezoning from General Agriculture District to Low Density Residential II District with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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. 04PL031 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described

as being located along Tower Road.

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

- 1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties;**
- 6. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;**
- 7. Upon submittal of the Preliminary Plat application, road construction plans for the cul-de-sac street shall be submitted for review and approval. In particular, the road construction plans shall identify the street located within a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";**
- 9. Upon submittal of the Preliminary Plat application, the plat document**

shall be revised to show a non-access easement along Tower Road and the cul-de-sac street except for the shared approaches as shown on the applicant's site plan;

10. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to submittal of a Final Plat application, the applicant shall submit a proposed street name for the cul-de-sac street to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
21. No. 04RZ015 - Section 11, T1N, R7E
A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II District** on property described by metes and bounds a beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommends that the Rezoning from General Agriculture District to Low Density Residential II District be approved in conjunction with the Planned Development Designation.

22. No. 04CA013 - Section 11, T1N, R7E
A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a

chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

*23. No. 04PD020 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot

radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission approved the Planned Development Designation be approved contingent upon the approval of the associated rezoning from General Agriculture District to Office Commercial District and the related Comprehensive Plan Amendment with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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.

24. No. 04PL032 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43

feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

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

- 1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties;**
- 6. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;**
- 7. Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";**
- 8. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a 40 foot X 40 foot shared approach**

- between the subject property and the property located directly west of the property as shown on the applicant's site plan;
9. Upon submittal of the Preliminary Plat application, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
25. No. 04RZ016 - Section 11, T1N, R7E
A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area

contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation and the related Comprehensive Plan Amendment.

26. No. 04CA014 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 34.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning from the SW corner of the SE1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 34.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

*27. No. 04PD021 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from the SW corner of the SE1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence

travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, more generally described as being located along Tower Road.

Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from General Agriculture District to Office Commercial District and the related Amendment to the Comprehensive Plan to change the land use from Residential to Office Commercial with a Planned Commercial Development with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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.

28. No. 04PL033 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on property described by metes and bounds as beginning from the SW corner of the SE1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of

209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, more generally described as being located along Tower Road.

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

- 1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties;**
- 6. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;**
- 7. Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum**

- 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";
8. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a 40 foot X 40 foot shared approach between the subject property and the property located directly east of the property as shown on the applicant's site plan. In addition, a minimum 59 foot wide access easement and/or right-of-way shall be dedicated for the access road provided through the site to property located directly east of the subject property. In addition, construction plans for the access street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Prior to submittal of a Final Plat, the applicant shall submit for review and approval a proposed street name to the Emergency Services Communication Center for the access street. In addition, the plat document shall be revised to show the approved street name;
 10. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
29. No. 04RZ017 - Section 11, T1N, R7E
A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as beginning from the SW corner of the SE1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49"

East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation and the related Comprehensive Plan Amendment.

16. No. 04PL030 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for William DeLorimier to consider an application for a **Layout Plat** on property described by metes and bounds as beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, more generally described as being located along Tower Road.

Eirik Heikes, Wyss Associates, Inc. stated that the applicant would like to plat a right-of-way rather than proceed with the road improvements.

Discussion followed concerning the applicant submitting a Variance to the Subdivision Regulations.

Prairie Chicken moved, seconded by Henning and carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**

3. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval;
5. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties;
6. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a street connection to the north lot line of the subject property. In addition, construction plans shall be submitted identifying the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations;
8. Prior to submittal of a Final Plat, the applicant shall submit for review and approval a proposed street name to the Emergency Services Communication Center for the street connection to the north. In addition, the plat document shall be revised to show the approved street name;
9. Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";
10. Upon submittal of the Preliminary Plat application, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road;
12. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 to 1 with Fast

**Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik
voting yes, none voting no and Brown abstaining)**

Bulman requested that Items 32 and 33 be considered concurrently.

32. No. 04CA016 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

33. No. 04RZ019 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Flood Hazard District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

Brenda Degan-Whiting, 4000 Elk Vale Road, expressed her concerns with rezoning the property from No Use District to Flood Hazard District, construction in the floodplain and the need for a complete floodplain analysis. She also wanted it noted that she and her neighbors had submitted a letter outlining their concerns at the March 25, 2004 Planning Commission meeting. She also stated that in her opinion the public notification signs were not properly placed on the subject property.

In response to a question by Nash, Bulman advised that she did not have a slide

of signs in the site photo she had taken of the property. She further explained that she visited the site yesterday and the signs were posted in the corner of the property along Elk Vale Road and then again along the county road that leads to Virgil Roskam's property.

Brown 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 24.696 acre parcel from General Agriculture to Flood Hazard be approved and that the Rezoning from No Use District to Flood Hazard District be approved in conjunction with the related Comprehensive Plan Amendment. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

*38. No. 03UR019 - Morningside Subdivision

A request by Alvin Ficek, Heartland GMAC Real Estate for the Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Conditional Use Permit to allow a church in a High Density Residential Zoning District** on Lots 1 thru 4, Block 7; and Lots 5 and 6, Block 8; Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Oriole Drive.

Elkins stated that a letter submitted by the agent has been placed on the dais for Planning Commission review. She added that the agent is requesting that this item be removed from the Consent Calendar for separate consideration. She reviewed staff's recommendation and the platting process.

Warren Fisk, Fisk Land Surveying & Consulting Engineers, explained that the applicant would like to know if the Planning Commission feels that a church would be an appropriate use for this property.

Discussion followed concerning the platting process, appropriateness of the Planning Commission conducting a straw vote, the applicant's ability to meet the stipulations of approval and staff's recommendation to continue the Conditional Use Permit to allow a church in a High Density Residential Zoning District to the April 22, 2004 Planning Commission meeting.

In response to a question by Schmidt, Fisher advised that staff is recommending that this item be continued, as one stipulation of approval has not been met.

Henning moved, seconded by Wevik and unanimously carried to continue the public hearing on the Conditional Use Permit to allow a church in a High Density Residential Zoning District to the April 22, 2004 Planning Commission meeting. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 40 thru 42 be considered concurrently.

*40. No. 04PD018 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Major Amendment to a Planned Residential Development to allow townhomes** on a tract of land located within the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N.), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of

the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes

02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

41. No. 04PL023 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills P.R.D., and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills P.R.D. all located

in the W1/4 of Section 15, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

42. No. 04SV016 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located within the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N,), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW ¼) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner

being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less);

thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, more generally described as being located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

Fisher stated that the applicant has requested that Items 41 thru 43 be continued to the April 22, 2004 Planning Commission meeting and that would be staff's

recommendation.

Wevik moved, seconded by Nash and unanimously carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way and the public hearing on the Major Amendment to a Planned Residential Development to allow townhomes to the April 22, 2004 Planning Commission meeting. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Fisher requested that Items 43 and 44 be considered concurrently.

43. No. 04PL034 - Bridle Path Estates

A request by Gary and Donna Kluthe to consider an application for a **Layout Plat** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9425 Sheridan Lake Road.

44. No. 04SV018 - Bridle Path Estates

A request by Gary and Donna Kluthe to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9425 Sheridan Lake Road.

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

Gary Kluthe expressed his concerns with the stipulations of approval regarding road improvements for Peregrine Point Place.

Discussion followed concerning topography, double street frontage lots, on-site waste water systems, internal roads and access.

Martin Longhenry, 8325 Laveeda Drive, expressed concerns with erosion and access. He asked that the Planning Commission require the applicant to stabilize the bank with a retaining wall to prevent further erosion.

Eileen Rossow, 23451 Peregrine Point Place, expressed her concerns regarding access, drainage, road maintenance and on-site wastewater systems. She asked the Planning Commission to require the applicant to install pavement along Peregrine Point Place and the internal streets.

Tim Pavek, 9255 Sheridan Lake Road, expressed his concerns with access, dust,

noise and additional traffic. He asked the Planning Commission to follow staff's recommendation and mitigate any negative effects of further development of this property.

Kluthe expressed his concerns with one person being responsible for the road improvements costs.

In response to a question by Schmidt, Kluthe advised that he has not discussed the proposed development with his neighbors.

Hoffmann stated that he has visited the site during a previous Layout Plat request and added that he supports staff's recommendation. He explained to the neighbors that the Planning Commission provides a recommendation to the City Council and the City Council will make the final decision. He encouraged those neighbors with concerns to attend the April 19, 2004 City Council meeting.

Nash moved, seconded by Schmidt and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 5. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
- 6. Upon submittal of the Preliminary Plat application, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, Sheridan Lake Road shall be constructed with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Upon submittal of the Preliminary Plat application, road construction plans for Peregrine Point Place shall be submitted for review and**

- approval. In particular, Peregrine Point Place shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of the Preliminary Plat application, road construction plans for Bridle Path Lane shall be submitted for review and approval. In particular, that portion of Bridle Path Lane abutting Lot 2 shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the balance of Bridle Path Lane shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of the Preliminary Plat application, road construction plans for Horseshoe Loop shall be submitted for review and approval. In particular, that portion of Horseshoe Loop abutting Lot 2 shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the balance of Horseshoe Loop shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a street connection to the south lot line and the west lot line of the subject property. In addition, construction plans shall be submitted identifying the streets located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot paved surface with curb, gutter, sidewalk or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing access easement located in the southeast corner of the subject property. In addition, road construction plans shall be submitted identifying the street located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot paved surface with curb, gutter, sidewalk or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 13. Upon submittal of the Preliminary Plat application, a site plan shall be submitted identifying existing approaches along Sheridan Lake Road opposite the subject property;
 14. Upon submittal of the Preliminary Plat application, a phasing plan shall

- be submitted for review and approval;
15. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of water, sewer and private utilities through the subject property as well as to adjacent properties;
 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to include "Moyle Petroleum Company" on the ownership certificate or Lot W shall be removed from the proposed plat;
 17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing 20 foot wide water line and power line easements or the easements shall be vacated accordingly;
 18. Prior to submittal of the Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement as per Chapter 16.12.190.E of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained;
 19. Prior to submittal of the Final Plat application, the plat document shall be revised to show a non-access easement along Sheridan Lake Road and Peregrine Point Place except for the approved approach location(s). In addition, non-access easements shall be shown along Bridle Path Lane and Horseshoe Loop as per the Street Design Criteria Manual;
 20. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 21. Upon submittal of a Final Plat application, a road maintenance agreement for Bridle Path Lane and Horseshoe Loop shall be submitted for review and approval. The road maintenance agreement shall also include Peregrine Point Place if access is taken from the street;
 22. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
 23. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 24. Prior to submittal of a Final Plat, the applicant shall submit a revised street name for Horseshoe Loop to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
 25. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

that the Variance to the Subdivision Regulations to waive the requirement to install pavement along Peregrine Point Place and the internal streets be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road and to install curb, gutter, sidewalk, street light conduit, water and sewer along Peregrine Point Place and the internal streets be approved with the following stipulations:

1. That a sidewalk be provided along the one side of the internal streets;
2. The lot approaches along the internal streets shall be constructed as part

- of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located;
3. Erosion control measures shall be provided in the ditches as needed;
 4. Upon submittal of a Preliminary Plat application, the plat document shall be revised to dedicate an additional 17 feet of right-of-way along Sheridan Lake Road; and,
 5. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Fisher requested that Items 45 and 46 be considered concurrently.

45. No. 04PL039 - Rohrer Subdivision

A request by Ferber Engineering Company, Inc. for Cregut Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive.

46. No. 04SV020 - Rohrer Subdivision

A request by Ferber Engineering Company, Inc. for Cregut Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a section line highway; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendations.

Hoffmann advised that he would abstain from voting on Items 45 and 46.

Bob Brandt, applicant, stated that he concurred with the stipulations of approval.

Schmidt stated that he supports the expansion of the facility.

Brown moved, seconded by Schmidt and carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, Sheridan Lake Road shall be constructed with a minimum 36 foot wide paved surface, curb, gutter,**

- sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the culvert located in Okpealuk Street is adequately sized for the ten year storm due to the increased site run-off;
 4. Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation that the South Dakota Department of Environment and Natural Resources has reviewed and approved the water source. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation that a septic tank and drainfield could not be utilized in lieu of the existing holding tank;
 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the south half of the right-of-way for the section line highway located on an adjacent property or the south half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
 7. Prior to submittal of a Final Plat, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the front yard setback from 25 feet to 17.2 feet for the in-door tennis facility located on proposed Lot 1 of Lot C of Lot 1 resulting from the dedication of 10 additional feet of right-of-way along Sheridan Lake Road or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to dedicate the additional right-of-way;
 8. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
 9. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road;
 10. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
- that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and pavement along a section line highway be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, water and sewer along a section line highway and to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following

stipulation:

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (7 to 0 to 1 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Hoffmann abstaining)**

Bulman requested that Items 47 and 48 be considered concurrently.

47. No. 04TI001 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District #44** on all of Section 28 lying north of U.S. Interstate 90 right-of-way, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot Dyess Avenue section line right-of-way north of U.S. Interstate 90 right-of-way located in the E1/2 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of US Interstate 90 and west of North Elk Vale Drive and east of Dyess Avenue.

48. No. 04TI002 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District #44 - Project Plan** on all of Section 28 lying north of U.S. Interstate 90 right-of-way, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot Dyess Avenue section line right-of-way north of U.S. Interstate 90 right-of-way located in the E1/2 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of US Interstate 90 and west of North Elk Vale Drive and east of Dyess Avenue.

Bulman presented the requests and reviewed the slides of the subject property and the Tax Increment Financing Committee's recommendation.

Joel Landeen, Assistant City Attorney, stated that it is the opinion of the City Attorney's Office that at least 25% of the land included within this Tax Increment District is not blighted.

Discussion followed concerning the broad definitions of blight, final payout, the proposed improvements, oversizing costs, frontage, inadequate infrastructure in the area, diversity of ownership, costs and the Infrastructure Development Partnership Fund.

Henning moved, seconded by Wevik and carried to approve the Resolution Creating Tax Increment District #44 and the Project Plan. (6 to 2 with Brown, Henning, Hoffmann, Prairie Chicken, Schmidt and Wevik voting yes and Fast Wolf and Nash voting no)

49. No. 04SV004 - Pioneer Subdivision

A request by Sperlich Consulting, Inc. for 16 Plus, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement**

along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line between to Sections 27 and 34, common to the northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; Thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; Thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; Thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; Thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Sections 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; Thence, fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; Thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; Thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.000 acres more or less; and, a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, more

generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

Fisher presented the request and reviewed staff's recommendation.

Doug Sperlich, Sperlich Consulting, Inc. for 16 Plus, LLP, stated that the applicant is willing to pay their fair share for the subdivision improvements but did not want to do the improvements at this time. He further asked the Planning Commission to approve the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a section line highway with the stipulation that prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

Discussion followed concerning the site distances, grades, developer responsibilities, drainage issues, assessment projects, the location of the east-west collector and the north-south collector on the Major Street Plan, the South Dakota Department of Transportation's control of access and future improvements along U.S. Highway 16.

Sperlich expressed concerns with the location of the section line highway and the applicant being required to improve the section line highway and the collector street to City Street Design Criteria Standards.

Additional discussion followed concerning the applicant signing a waiver of right to protest any future assessments for the improvements or posting a cash bond.

Nash stated that he empathizes with the applicant. He added that he would like to see development start in this area and would support the applicant signing a waiver of right to protest any further assessments for the improvements.

Schmidt concurred with Nash.

Nash moved, seconded by Schmidt and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway be approved with the following stipulation:

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (6 to 2 with Brown, Fast Wolf, Hoffmann, Nash, Schmidt and Wevik voting yes and Henning and Prairie Chicken voting no)**

50. Discussion Items

A. Elmhurst Drive – Gene Kelley

Al Lloyd, 1936 Elmhurst, stated that there is a two story apartment complex being constructed with balconies and decks at 1940 Elmhurst. He expressed his

concerns with Multi-family Dwelling Units in Medium Density Residential Zoning Districts, setbacks and privacy.

Beth Shupe, 1935 Elmhurst, expressed her concerns with privacy and the historical value of this West Rapid area community. She asked if there were any options available to residents to require that the developer at 1940 Elmhurst provide screening.

Gene Kelly, 1925 Elmhurst, expressed his concerns with infrastructure improvements, privacy and the increase in noise and traffic in the area.

Discussion followed regarding the Draft West Rapid Neighborhood Area Future Land Use Plan, amendments to the Zoning Ordinance that would require either a Conditional Use Permit or a Planned Development for larger facilities in Medium Density Residential Zoning Districts and notification of area property owners.

Schmidt stated that he would like an opportunity to look at the neighborhood.

Discussion followed concerning a Planning Commission field trip to the neighborhood, screening at 1940 Elmhurst and the future of the neighborhood.

Elkins stated that staff would coordinate a date and time with Gene Kelly for a Planning Commission field trip to the area.

Reconsideration of Items 14 thru 29 and Items 32 and 33

Elkins stated that after a sidebar conversation with Bulman and the City Attorney's staff concerning the location of the notification signs on the subject properties on Items 14 thru 29 and Items 32 and 33, it was determined that the notification signs were not properly posted on the properties. Elkins noted that if there are numerous rezoning requests, planned development designation requests and/or comprehensive plan amendment requests on one parcel, then a separate sign must be posted on each section of the property to identify the appropriate request specific to that area of the property. She added that staff would notify the property owners by first class notice of the continuation of the public hearings.

Nash moved, seconded by Brown and unanimously carried to reconsider Items 32 and 33. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Hoffmann requested that Items 32 and 33 be considered concurrently.

32. No. 04CA016 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E,

612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

33. No. 04RZ019 - Elk Vale Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Flood Hazard District** on a parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, more generally described as being located along North Elk Vale Road.

The public hearings on Items 32 and 33 was hereby opened.

Nash requested that staff take pictures of the signs in the site photos.

The public hearings on Items 32 and 33 were hereby closed.

Prairie Chicken moved, seconded by Henning and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard and that the Rezoning from No Use District to Flood Hazard District be continued to the April 22, 2004 Planning Commission meeting. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Prairie Chicken moved, seconded by Nash and unanimously carried to reconsider Items 14 thru 29. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Hoffmann announced that the Public Hearings on Items 14 through 29 were hereby opened.

Staff requested that Items 18, 19, 21, 22, 23 and 25 be removed from the Hearing

Consent Agenda for separate consideration.

Wevik moved, seconded by Prairie Chicken and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 29 in accordance with the staff recommendations with the exception of Items 18, 19, 21, 22, 23 and 25. (7 to 0 to 1 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Brown abstaining)

The Public Hearings on Items 14 through 29 were hereby closed with the exception of Items 18, 19, 21, 22, 23, and 25.

Wevik moved, seconded by Nash and unanimously carried to recommend that Items 18, 29, 21, 22, 23 and 25 be continued to the April 22, 2004 Planning Commission meeting. (7 to 0 to 1 with Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes, none voting no and Brown abstaining)

18. No. 04CA012 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development be continued to the April 22, 2004 Planning Commission meeting.

*19. No. 04PD019 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from a point 430.32 feet at a bearing S89°27'02"E

from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the public hearing on the Planned Development Designation be continued to the April 22, 2004 Planning Commission meeting.

21. No. 04RZ015 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II District** on property described by metes and bounds a beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential II District be continued to the April 22, 2004 Planning Commission meeting.

22. No. 04CA013 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office**

Commercial with a Planned Commercial Development on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development be continued to the April 22, 2004 Planing Commission meeting.

*23. No. 04PD020 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Development Designation** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence

travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission continued the public hearing on the Planned Development Designation to the April 22, 2004 Planning Commission meeting.

25. No. 04RZ016 - Section 11, T1N, R7E

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, more generally described as being located along Tower Road.

Planning Commission recommended that the Rezoning from General

Agriculture District to Office Commercial District be continued to the April 22, 2004 Planning Commission meeting.

51. Staff Items

- A. Proposed Committee to Review List of Conditional Uses

The discussion on a Proposed Committee to Review List of Conditional Uses was continued to the April 22, 2004 Planning Commission meeting.

52. Planning Commission Items

None

53. Committee Reports

- A. City Council Report (March 15, 2004)

A brief discussion followed concerning the City Council's denial of No. 04OA003 - Introduction and First Reading - A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider adding Section 2.60.195 to the Rapid City Municipal Code pertaining to hearing notices for SDCL 11-6-19 Reviews.

- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business Wevik moved, seconded by Nash and unanimously carried to adjourn the meeting at 9:15 a.m. (8 to 0 with Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)