



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 5, 2001

MEMBERS PRESENT: Mel Prairie Chicken, Jeff Hoffmann, Sam Kooiker, Dawn Mashek, Karri Tschetter, Jeff Stone, Bob Wall, and Stuart Wevik. Ron Kroeger, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Lisa Seaman, Blaise Emerson, Bill Knight, Kenn Shave, Rich Wells, Dave Johnson and Nadine Bauer.

Chairperson Wevik called the meeting to order at 7:00 a.m. He welcomed new Council members Jeff Hoffmann, Jeff Stone and Sam Kooiker to the meeting.

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

Staff requested that Items 5, 6, 42, 43, 44, 56, and 57 be removed from the Consent Agenda for separate consideration. Prairie Chicken requested that Items 24 and 27 be removed from the Consent Agenda for separate consideration. Members of the audience requested that Items 2, 7, 8, 9, 28, 29, 30, 45 and 58 be removed from the Consent Agenda for separate consideration.

Wall moved, Stone seconded and carried unanimously to recommend approval of the Consent Agenda Items 1 through 59 in accordance with the staff recommendations with the exception of Items 2, 5, 6, 7, 8, 9, 24, 26, 27, 28, 29, 30, 42, 43, 44, 45, 56, 57, and 58. (8 to 0)

1. Approval of the June 21, 2001 Planning Commission Meeting Minutes.

3. No. 01UR003 - Section 20, T2N, R8E

A request by Davis Engineering for Gary and Shirley Wolff to consider an application for a **Use on Review to allow a mobile home park in the Medium Density Residential District** on SW1/4 SW1/4 and the N8/10ths of W1/4 SE1/4 SW1/4 of Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2780 143rd Avenue.

Planning Commission recommended that the Use On Review to allow a mobile home park in the Medium Density Residential District be continued to the August 9, 2001 Planning Commission meeting to allow the applicant to submit additional information, to complete improvements on the existing lagoon system and to remove structures from a water and pipeline easement.

4. No. 01UR006 - Bice Subdivision

A request by Samuel J. and Faye E. Bice to consider an application for a **Use on Review to allow a caretakers residence in the Light Industrial Zoning District** on Lot 2 of Lot K of Bice Subdivision located in the NW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 1/2 Creek Drive.

Planning Commission recommended that the Use On Review to allow a caretakers residence in the Light Industrial Zoning District be continued to the





July 26, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

10. No. 01CA010 - Amendment to the Comprehensive Plan - Summary of Adoption Action

Planning Commission recommended that the Summary of Adoption Action be approved and that authorization to advertise the summary in the Rapid City Journal be granted.

11. No. 01PL039 - Murphy Ranch Estates

A request by Ron & Mary Ann Davis to consider an application for a **Layout Plat** on Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Reservoir Road and Long View Drive on the south side of Long View Drive.

Planning Commission recommended that the Layout Plat be denied without prejudice to allow the applicant to submit a revised Layout Plat.

12. No. 01PL040 - Spring Canyon Estates

A request by Gary Renner for Larry Teuber to consider an application for a **Layout Plat** on Lot A Revised of Block 2 and Lots 1R, 6R and 7R of Block 3 of Spring Canyon Estates (Lot A Revised of Block 2: formerly Lot A of Lot 1 of Revision No. 1 of Block 2 and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2; Lot 1R: formerly Lot 1 of Block 3 and Vacated Right-Of-Way Lot 6R: formerly Lot 6 of Block 3 and a portion of Vacated Right-Of-Way and a portion of Lot B and Lot 1 of Revision No. 1 of Block 2; Lot 7R: formerly Lot 7 of Block 3 and a portion of Vacated Right-Of-Way and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2, all located in Spring Canyon Estates) located in Government Lot 3 and Government Lot 4, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1 and 1/2 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

Planning Commission recommended that the Layout Plat be continued to the July 26, 2001 Planning Commission meeting to allow the petitioner to submit the additional required information.

13. No. 01SV010 - Spring Canyon Estates

A request by Renner and Sperlich Engineering for Larry Tueber to consider an application for a **Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, traffic signs, pavement marking, and street light conduits for the section line highways; and Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, and street light conduits for Quail Drive; and Variance to the Subdivision Regulations to waive the requirements for curb, gutter, sidewalks, water, sanitary sewer, storm sewer, drainage structures, pavement marking, and street light conduits for Cougar Court** on Lot A Revised of Block 2 and Lots 1R, 6R and 7R of Block 3, Spring Canyon Estates (Lot A Revised of Block 2: formerly Lot A of Lot 1 of Revision No. 1 of Block 2 and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2; Lot 1R: formerly Lot 1 of Block 3 and Vacated Right-Of-Way; Lot 6R: formerly Lot 6 of Block





3 and a portion of Vacated Right-Of-Way and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2; Lot 7R: formerly Lot 7 of Block 3 and a portion of Vacated Right-Of-Way and a portion of Lot B of Lot 1 of Revision No. 1 of Block 2, All located in Spring Canyon Estates) Located in Government Lot 3 and Government Lot 4, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately one and one-half miles south of the intersection of Sheridan Lake Road and Clarkson Road.

Planning Commission recommended that the Variance to the Subdivision Regulations be continued to the July 26, 2001 Planning Commission meeting to allow the request to be considered in conjunction with the Layout Plat.

14. No. 01PL042 - Terracita Highlights - Phase IV

A request by Fisk Land Surveying for Builders Preferred to consider an application for a **Preliminary and Final Plat** on Lots 9 through 24 and Lot 26R in Block 2 of Terracita Highlights Subdivision and dedicated right-of-way located in the S1/2 NE1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of City View Drive.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the Planning Commission, a geotechnical report and pavement design information shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, a grading plan inclusive of the entire site shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the Planning Commission, an erosion sediment control plan shall be submitted for review and approval. The plan shall include verification of coverage as regulated by the State permit for storm water run-off from the construction site;
4. Prior to Preliminary Plat approval by the Planning Commission, a drainage plan shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the Planning Commission, a utility plan shall be submitted for review and approval. The plan shall include the location of gas, electric, telephone and cable;
6. Prior to Preliminary Plat approval by the Planning Commission, sewer plans shall be submitted for review and approval. The plans shall identify design calculations, sizing, cleanouts, and air-vac information required for the force main and private pumping systems;
7. Prior to Preliminary Plat approval by the Planning Commission, the plat shall be revised to show the vacation of the section line right-of-way located along Lot 18 or construction plans shall be submitted for review and approval;

Fire Department Recommendation:

8. Prior to Preliminary Plat approval by the Planning Commission, 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;

Urban Planning Division Recommendations:

9. A Special Exception shall be granted to waive the requirement to construct an intermediate turnaround in the cul-de-sac;
10. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow the lot length to be greater than twice the lot width, or the plat shall be revised to comply with the length to width requirement;
11. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

15. No. 01PL048 - Elks Country Estates

A request by Doug Sperlich for Dennis Zandstra to consider an application for a **Preliminary and Final Plat** on Lot 2R of Block 9 of Elks Country Estates (formerly Lot 2 of Block 9 of Elks Country Estates and a portion of Tract 1 of the E1/2 of Section 16) located in E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Willowbend Road and Crosswater Drive.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the Planning Commission, construction plans including street improvements and water and sewer plans shall be submitted;
2. Prior to Preliminary Plat approval by the City Council, the construction plans shall be reviewed and approved;

Urban Planning Division Recommendations:

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

16. No. 01UR025 - Providence Addition

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot A, Block 12, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago.

Planning Commission recommended that the Use On Review to allow a communication tower in the General Commercial Zoning District be continued





to the July 26, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

17. No. 01UR026 - McMahon Industrial Park No. 2

A request by M & K Consulting for Western Wireless Corp. to consider an application for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot 2, Block 9, McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue - Duffield Construction Shop.

Planning Commission recommended that the Use On Review to allow a communication tower in the General Commercial Zoning District be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

18. No. 01UR027 - Section 29, T2N, R7E

A request by M & K Consulting for Western Wireless Corp to consider an application for a **Use On Review to allow a communication tower in the General Agriculture Zoning District** on W1/2 NE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between St. Martins Drive and Hidden Valley Road west of S.D. Highway 79.

Planning Commission recommended that the Use of Review to allow a communication tower in the General Agriculture Zoning District be continued to the July 26, 2001 Planning Commission meeting at the applicant's request.

19. No. 01UR030 - MDU Subdivision

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

Planning Commission recommended that the Use On Review to allow a communication tower in the Light Industrial Zoning District be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to submit additional required information and for the Zoning Board of Adjustment to take action on a variance request submitted for the subject property.

20. No. 01VR002 - Section 5, T1S, R7E

A request by Gary Renner for Larry Teuber to consider an application for a **Vacation of Right Of Way** on right-of-way located in Government Lot 3 and Government Lot 4, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1 1/2 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

Planning Commission recommended that the Vacation of Right of Way be continued to the July 26, 2001 Planning Commission meeting to allow the request to be considered at the same time as the proposed Layout Plat.





21. No. 01PL051 - Sherman Tract

A request by Holly Brenneise to consider an application for a **Layout Plat** on Lot 11 of Sherman Tract in Block B of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 300 feet north of the intersection of Hillsview Drive and Canyon Lake Drive.

Planning Commission recommended that the Layout Plat be denied without prejudice.

22. No. 01PL052 - Buffalo Ridge Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the July 26, 2001 Planning Commission meeting to allow the applicant to submit additional information and to revise the construction plans accordingly.

23. No. 01PD028 - Trimble Subdivision

A request by Sylvia Hills Architecture for Helgeson Development Company, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1 Revised Revised, Trimble Subdivision, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 931 and 821 Fox Run Drive.

Planning Commission recommended that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

Building Inspection Department Recommendations:

1. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy of the garage;**

Urban Planning Division Recommendations:

2. **That prior to final inspection an as-built survey shall be submitted verifying that the garage has been constructed outside the drainage easement and the minimum distance from the overhead power lines as required by Black Hills Power;**
3. **That prior to the issuance of a Building Permit an amendment to the existing Air Quality Permit must be obtained;**
4. **That all-previous conditions of approval for the Planned Residential Development #00PD011 shall be continually met.**

25. No. 01UR032 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington





County, South Dakota, more generally described as being located north of the current northern terminus of Muirfield Drive.

Planning Commission recommended that the Use On Review to allow a utility substation in the Low Density Residential Zoning District be continued to the July 26, 2001 Planning Commission meeting to allow the applicant to submit additional information.

31. No. 01CA019 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for an Amendment to the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 6.9 acre parcel from Office Commercial with a Planned Commercial Development to Public on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Containing 6.90 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Amendment to the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 6.9 acre parcel from Office Commercial with a Planned Commercial Development to Public be approved.

32. No. 01RZ037 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to Public District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section





23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Containing 6.90 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Rezoning from General Agriculture District to Public District be approved.

33. No. 01CA018 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for an Amendment to the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 5.80 acre parcel from Public to Office Commercial with a Planned Commercial Development on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the west boundary of Tract "A", which bears N0° 01'49"W a distance of 659.09 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; thence N42°48'20"E along the proposed centerline of Tish Drive a distance of 483.98 feet to the beginning of a curve concave to the Southeast having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S82°32'54"E a distance of 9.91feet; Thence S07°19'07"W a distance of 38.00 feet; Thence S07°19'07"W along the boundary common to said Tract "A" and Lot E, Lot A, Lot B and Lot C of the SW1/4SW1/4 of said Section 23 and distance of 800.44 feet: Thence N73°19'46"W a distance of 377.36 feet to a point on the west section line of said Section 23 and the west boundary of Tract "A"; Thence N00°01'49"W along said section line and said west boundary of Tract "A" a distance of 322.84 feet to the point of beginning. Containing 5.80 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Amendment to the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 5.80 acre parcel from Public to Office Commercial with a Planned Commercial Development be approved.

34. No. 01PD038 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the west boundary of Tract "A", which bears N0° 01'49"W a distance of 659.09 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; thence N42°48'20"E along the proposed centerline of Tish Drive a distance of 483.98 feet to the beginning of a curve concave to the Southeast having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S82°32'54"E a distance of 9.91feet; Thence S07°19'07"W a distance of 38.00 feet; Thence S07°19'07"W





along the boundary common to said Tract "A" and Lot E, Lot A, Lot B and Lot C of the SW1/4SW1/4 of said Section 23 and distance of 800.44 feet: Thence N73°19'46"W a distance of 377.36 feet to a point on the west section line of said Section 23 and the west boundary of Tract "A"; Thence N00°01'49"W along said section line and said west boundary of Tract "A" a distance of 322.84 feet to the point of beginning. Containing 5.80 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated Office Commercial rezoning 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.**

35. No. 01RZ039 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the west boundary of Tract "A", which bears N0° 01'49"W a distance of 659.09 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; thence N42°48'20"E along the proposed centerline of Tish Drive a distance of 483.98 feet to the beginning of a curve concave to the Southeast having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S82°32'54"E a distance of 9.91feet; Thence S07°19'07"W a distance of 38.00 feet; Thence S07°19'07"W along the boundary common to said Tract "A" and Lot E, Lot A, Lot B and Lot C of the SW1/4SW1/4 of said Section 23 and distance of 800.44 feet: Thence N73°19'46"W a distance of 377.36 feet to a point on the west section line of said Section 23 and the west boundary of Tract "A"; Thence N00°01'49"W along said section line and said west boundary of Tract "A" a distance of 322.84 feet to the point of beginning. Containing 5.80 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be approved.

36. No. 01PD037 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the north boundary of Tract "A" which bears S89°59'13"E a distance of 527.28 feet from the Northwest Corner of Tract "A", being the POINT OF BEGINNING; Thence S89°59'13"E along said north boundary of Tract "A" a distance of 304.80 feet; Thence S07°23'08"W





along the east boundary of Tract "A" a distance of 537.86; Thence N82°32'54"W along the north boundary of Lot E of the SW1/4SW1/4 of said Section 23 a distance of 301.67 feet; Thence N07°18'58"E a distance of 498.40 feet to the point of beginning. Containing 3.59 acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated General Commercial rezoning 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.**

37. No. 01RZ038 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the north boundary of Tract "A" which bears S89°59'13"E a distance of 527.28 feet from the Northwest Corner of Tract "A", being the POINT OF BEGINNING; Thence S89°59'13"E along said north boundary of Tract "A" a distance of 304.80 feet; Thence S07°23'08"W along the east boundary of Tract "A" a distance of 537.86; Thence N82°32'54"W along the north boundary of Lot E of the SW1/4SW1/4 of said Section 23 a distance of 301.67 feet; Thence N07°18'58"E a distance of 498.40 feet to the point of beginning. Containing 3.59 acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved.

38. No. 01PD039 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., common to the Southwest Corner of said Tract "A", being the POINT OF BEGINNING; thence N00°01'49"W along the west boundary of Tract "A" a distance of 336.25 feet; Thence S73°19'46"W a distance of 377.07 feet to the corner common to Tract "A" and the Southwest corner of Lot C, of the SW1/4SW1/4 of said Section 23: Thence S07°31'36"E along the south boundary of said Lot C a distance of 300.94 feet to the Southeast Corner of said Lot C; Thence S07°23'48"W along the east boundary of said Tract "A" a distance of 190.53 feet to the Southeast Corner of Tract "A" said point being on the south section line of said Section 23 and the centerline of Golden Eagle Drive right-of-way; Thence S90°00'00"W along said line a distance of 634.90 feet to the point of beginning. Containing 3.71 Acres more





or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Staff recommends that the Planned Development Designation be approved with the associated General Commercial rezoning 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.**

39. No. 01RZ040 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., common to the Southwest Corner of said Tract "A", being the POINT OF BEGINNING; thence N00°01'49"W along the west boundary of Tract "A" a distance of 336.25 feet; Thence S73°19'46"W a distance of 377.07feet to the corner common to Tract "A" and the Southwest corner of Lot C, of the SW1/4SW1/4 of said Section 23: Thence S07°31'36"E along the south boundary of said Lot C a distance of 300.94 feet to the Southeast Corner of said Lot C; Thence S07°23'48"W along the east boundary of said Tract "A" a distance of 190.53 feet to the Southeast Corner of Tract "A" said point being on the south section line of said Section 23 and the centerline of Golden Eagle Drive right-of-way; Thence S90°00'00"W along said line a distance of 634.90 feet to the point of beginning. Containing 3.71 Acres more or less, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the July 26, 2001 Planning Commission meeting to allow completion of the required advertising and land owner notification.

40. No. 01RZ036 - Section 8, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on The North 182.3 feet of the South 745.3 feet of the East 85 feet of the SE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the east boundary of Chapel Valley, west of Cliff Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.

41. No. 01RZ033 - Section 25, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the North 33 feet of Lot H-2 lying adjacent to Tract A and Tract C and the 75 foot wide portion of Lot H-2 lying adjacent





to Tract D and lying adjacent to Lot H-3, all located in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at East Mall Drive north of the Rushmore Mall.

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

46. No. 01UR036 - Tower Ridge Subdivision

A request by Tom and Nancy Bradsky to consider an application for a **Use on Review to allow a Private Residential Garage in excess of 1000 square feet and more than 30% of the residence** on Lot 6 of Tower Ridge Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Enchantment Road.

Planning Commission recommended that Use on Review to allow a Private Residential Garage in excess of 1000 square feet and more than 30% of the residence be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to issuance of a Building Permit, the applicant shall submit plans and supporting information as necessary to demonstrate that runoff from the site, including the proposed garage addition, will be routed to avoid discharge onto adjacent properties.**

Building Inspection Department Recommendations:

2. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

Urban Planning Division Recommendations:

3. **A statement declaring that the garage cannot be used for commercial purposes must be signed by the petitioner and filed with the Register of Deeds prior to issuance of a Building Permit;**
4. **Prior to City Council approval, a revised site plan shall be submitted identifying the location of additional landscaping on the south and east side of the garage addition;**
5. **Prior to issuance of a Certificate of Occupancy the additional landscaping shall be installed or financial surety in the amount necessary to complete the improvements within one construction season shall be posted;**
6. **That the garage shall be constructed of the same materials and the same color(s) as the existing residence; and,**
7. **That no plumbing shall be allowed in the garage.**

47. No. 01OA008 - Ordinance Amendment

A request by City of Rapid City to consider an application for an Ordinance adding Section 17.04.752 to Chapter 17.04 and Section 17.50.215 to Chapter 17.50 pertaining to Wind Energy Conversion Systems and amending Section 17.22.030 of Chapter 17.22 by adding a new Subsection J allowing Wind Energy Conversion Systems as a use permitted on review in the Light Industrial District and amending Section 17.24.030 of Chapter 17.24 by adding a new Subsection 24 allowing Wind Energy Conversion Systems as a use permitted on review in the Heavy Industrial





District and adding Section 17.42.025 to Chapter 17.42 allowing uses permitted on review to the Mining and Earth District and adding Subsection 17.42.025a allowing Wind Energy Conversion Systems as a use permitted on review in the Mining and Earth District to the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment pertaining to Wind Energy Conversion Systems be approved.

48. No. 01OA010 - Ordinance Amendment

A request by City of Rapid City to consider an application for an Ordinance amending Chapter 17.50 of the Rapid City Municipal Code by adding a new Section 17.50.225 providing for temporary overnight recreational vehicle parking regulations.

Planning Commission recommended that the Ordinance Amendment pertaining to Temporary Overnight Recreational Vehicle Parking be approved.

49. No. 01PL053 - Big Sky Subdivision - Phase V

A request by Dream Design International to consider an application for a **Layout Plat** on Big Sky Subdivision Phase V located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Degeest Street.

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

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, grading plans and an erosion control plan shall be submitted for review and approval;
2. Upon submittal of the Preliminary Plat, a drainage plan and report shall be submitted for review and approval;
3. Upon submittal of the Preliminary Plat, a geotechnical evaluation for the pavement design shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, 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;
5. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
6. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements. The street design shall also include relocation of the cul-de-sac street to provide a minimum 175-foot separation from the proposed intersection of Degeest Drive and Homestead Street, which is considered as having signalized traffic control for design purposes, or an exception to the Approach Corner Clearance standard shall be obtained in accordance with Section 1.2.5 of the Street Design Criteria Manual.
7. A Special Exception is hereby granted to allow a minimum separation of





118 feet between the intersection of Degeest Drive/Homestead Street and the cul-de-sac road;

8. Prior to Final Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division;

Fire Department Recommendation:

9. Upon submittal of the Preliminary Plat, 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;

Transportation Division Recommendation:

10. Upon submittal of the Preliminary Plat, the street design plans shall be revised to show a bike path along the east side of Degeest Drive and the north side of Homestead Street as shown on the Elk Vale Neighborhood Area Future Land Use Map;
11. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Degeest Drive and Homestead Street except for the approved approach location(s);

Emergency Services Communication Center Recommendation:

12. Upon submittal of the Preliminary Plat, the plat shall be revised to show Degeest Street as Degeest Drive and Homestead as Homestead Street;
13. Upon submittal of the Preliminary Plat, a road name for the unnamed cul-de-sac shall be submitted for review and approval and the plat shall be revised to show the road name;

Urban Planning Division Recommendations:

14. A Special Exception is hereby granted to allow an exclusive access road to serve 42 dwelling units;
15. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
16. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

50. No. 01SV011 - Big Sky Subdivision

A request by Dream Design for Big Sky LLC to consider an application for a Variance to the Subdivision Regulations to waive all street improvements for DeGeest Street and Homestead Avenue except for that portion shown to be platted on Lots 2-8, Block 13; Lots 2-5, Block 14; Tract A; and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, more generally described as being located at the northern terminus of DeGeest Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive all street improvements for DeGeest Street and





Homestead Avenue except for that portion shown to be platted be withdrawn at the applicant's request.

51. No. 01PL054 - Big Sky Subdivision

A request by Dream Design, Inc. for Big Sky LLC to consider an application for a **Preliminary and Final Plat** on Lots 2-8, Block 13; Lots 2-5, Block 14; Tract A; and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, more generally described as being located at the northern terminus of DeGeest Street.

Planning Commission recommended that the Preliminary and Final Plat be continued to the July 26, 2001 Planning Commission meeting to allow the applicant to submit additional information.

52. No. 01PL055 - The Meadows Subdivision

A request by Dream Design, Inc. for Legacy Land Company to consider an application for a **Preliminary and Final Plat** on Tract A-1 and Tract B-1 a Replat of Tract A and Tract B of The Meadows Subdivision, located in the W1/2 of SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the Minnesota Street and Derby Lane intersection.

Planning Commission recommended that the Preliminary and Final Plat be continued to the July 26, 2001 Planning Commission meeting to allow the applicant to submit additional information.

53. No. 01PL056 - Trijowinn Subdivision

A request by Arleth & Associates for Thomas Walsh to consider an application for a **Preliminary and Final Plat** on Day Inn Tract and Burger King Tract a subdivision of Lot 2 of the Trijowinn Subdivision, located in the NW1/4 of Section 2, T1N, R7E, B.H.M., City of Rapid City, Pennington County, South Dakota, as shown by the Plat recorded in Book 27 of Plats on Page 183, more generally described as being located between West Kansas City Street and Jackson Boulevard.

Planning Commission recommended that the Preliminary and Final Plat be continued to the August 9, 2001 Planning Commission meeting at the applicant's request.

54. No. 01SV013 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for dry sewer, water and street light conduit** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision formerly a portion of Lot F-1 of Fish Hatchery Subdivision located in the NE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Jackson Boulevard and Chapel Lane.





Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for dry sewer, water and street light conduit be denied.

55. No. 01PL057 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision formerly a portion of Lot F-1 of Fish Hatchery Subdivision located in the NE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Jackson Boulevard and Chapel Lane.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, water and sewer plans prepared by a Registered Professional Engineer showing the extension of water mains and the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, the construction plans shall identify the location of street light conduit;**
2. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval;**
3. **Prior to Final Plat approval by the City Council, drainage easements shall be shown on the plat as required by the Engineering Division;**
4. **Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Jackson Boulevard except for the approved approach location(s);**
5. **Prior to Final Plat approval by the City Council, a note shall be placed on the plat identifying an eight-foot wide utility easement along the interior side of all lot lines;**

Urban Planning Division Recommendations:

6. **Prior to Preliminary Plat approval by the City Council, road construction plans for the proposed future access easement to the unplatted balance shall be submitted for review and approval or the plat shall be revised to preclude that area of the property identified as the location of the future access easement. If left as a part of this plat, the easement shall be identified as public right-of-way and built to City standards;**
7. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
8. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**





59. No. 01RD008 - Valleyridge Subdivision

A request by City of Rapid City to consider an application for a **Resolution renaming approximately 850 feet of Solitaire Drive to Avenue A** more generally described as the approximately 850 feet of the east/west roadway extending west from Reservoir Road and known as Solitaire Drive and located in the NE1/4 of the SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

Planning Commission recommended that the Resolution renaming approximately 850 feet of Solitaire Drive to Avenue A be approved.

---END OF CONSENT CALENDAR; BEGINNING OF REGULAR AGENDA ITEMS---

2. No. 00PD057 - Walpole Heights Subdivision

A request by SDC, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to allow a motel and restaurant** on Tract A Revised, Tract C Revised and Tract D, Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2710 Mount Rushmore Road.

Rob Schlimgen, SDC, Inc., noted that the title refers to the construction of a motel and a restaurant; however, the current plan only identifies the development of a motel.

Schlimgen advised that the applicant submitted a traffic analysis and a revised site plan to staff on June 21, 2001. Schlimgen requested that the Planning Commission consider a reduction in the parking requirements from 247 to 200 for the retail/outlet store and employees and a reduction from 144 to 116 for the motel.

Lengthy discussion followed concerning the comprehensive plan, use of land in the right-of-way, singular ownership, revised site plans, traffic analysis, joint use of parking for the motel and jewelry manufacturing facility, common work areas, the use of the motel meeting room and breakfast area, additional development of land to the west of the proposed motel, increased traffic flow, tourists, and the recently expanded retail area.

Elkins stated that staff does not support the 19% reduction in the minimum number of off-street parking as proposed by the applicant noting problems experienced in several areas of the community and the lack of alternative locations for parking off site.

Discussion followed concerning problems resulting from inadequate parking and the impact on adjoining businesses. Schlimgen discussed the expense of building retaining. A brief discussion followed concerning the office area/jewelry manufacturing configuration and common work areas.

Wall expressed concerns about reducing the minimum parking requirements and utilizing right-of-way parking. Wall stated that he supports staff's recommendation to continue this item to the July 26, 2001 Planning Commission meeting and suggested that the applicant continue to work with staff to come up with the best alternative.





Mashek also expressed concerns with reducing the minimum parking requirements due to fluctuations in the number of employees and bus tours to the site and added that she plans to support minimum parking requirements.

Wall moved, Mashek seconded to recommend that the request to consider an application for a Major Amendment to a Planned Commercial Development to allow a motel to be continued to the July 26, 2001 Planning Commission meeting.

Prairie Chicken indicated that he supports continuing this item to July 26, 2001 Planning Commission meeting.

Wevik advised that he concurred with the other Planning Commission members and suggested that the applicant continue to work with staff to come closer to meeting the minimum number of parking stalls required by code.

The motion carried unanimously to continue the request to consider an application for a Major Amendment to a Planned Commercial Development to allow a motel to be continued to the July 26, 2001 Planning Commission meeting. (8-0)

5. No. 01PL024 – Trailwood Village Subdivision

A request by Renner & Sperlich Engineering for Gordon Howie to consider an application for a **Layout, Preliminary and Final Plat** on Lot A, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Covington Street and O'Brien Street.

Emerson distributed a revised staff report recommending that the Layout, Preliminary and Final Plat be approved with stipulations.

Mashek moved, Wall seconded and carried unanimously to recommend that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, minor corrections to the engineering plans shall be submitted for review and approval;
2. Prior to Final Plat approval by the City Council, a non-access easement shall be identified along the Covington Street frontage;

Urban Planning Division Recommendations:

3. Prior to City Council approval, the applicant shall pay the required Subdivision Inspection fees; and,
4. Prior to Final Plat approval by the City Council, the petitioner shall have posted financial surety in a form to be approved by the City Attorney for any incomplete subdivision improvements. (8-0)





6. No. 01PL032 - Trailwood Village

A request by Renner & Sperlich Engineering for Gordon Howie to consider an application for a **Preliminary and Final Plat** on Lot B1 of Trailwood Village (formerly a portion of Tract T of Trailwood Village) located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 300 feet north of the intersection of East Highway 44 and Covington Street.

Emerson distributed a revised staff report recommending that the Preliminary and Final Plat be approved with stipulations.

Wall moved, Mashek seconded, and carried unanimously to recommend that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, minor corrections to the engineering plans shall be submitted for review and approval;**
2. **Prior to Final Plat approval by the City Council, a non-access easement shall be identified along the Covington Street frontage;**

Emergency Service Communication Center Recommendations:

3. **Prior to Final Plat approval by the City Council, the applicant shall submit a revised street name for Murphy Drive for review and approval;**

Urban Planning Division Recommendations:

4. **Prior to City Council approval, the applicant shall pay the required Subdivision Inspection fees; and,**
5. **Prior to Final Plat approval by the City Council, the petitioner shall have posted financial surety in a form to be approved by the City Attorney for any incomplete subdivision improvements. (8-0)**

7. No. 01CA015 – Old Rodeo Subdivision

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for an Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan to change the future land use designation from Planned Residential Development with 1 dwelling unit per acre to General Commercial with a Planned Commercial Development, Planned Residential Development with 4 dwelling units per acre and Office Commercial with a Planned Commercial Development on Lot 1 of Old Rodeo Subdivision located in N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 1 located in SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4 and NE1/4 SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the unplatted balance of S1/2 of SE1/4 of NW1/4 and unplatted balance of NE1/4 of SW1/4 of Section 26, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of U.S. Highway 16 and Catron Boulevard.





8. No. 01PD036 - Old Rodeo Subdivision

A request by Renner & Sperlich Engineering for D&V LLC Medical Office Building to consider an application for an **Initial and Final Planned Commercial Development** on a portion of Lot 1 of Old Rodeo Subdivision, located in the NW1/4 SW1/4, and the NE1/4 SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeast corner of said Lot 1 of Old Rodeo Subdivision; Thence, N00°42'15"W, along the easterly boundary of said Lot 1, a distance of 402.55 feet, to the Point of Beginning; Thence, first course: S72°52'00"W, a distance of 279.33 feet to the point of curve; Thence, second course: northwesterly, curving to the right on a curve with a radius of 15.67 feet, a delta angle of 90°00'00", a length of 24.61 feet, a chord bearing of N62°08'00"W, and a chord distance of 22.61 feet, to the point of tangency; Thence, third course: N17°08'00"W, a distance of 150.62 feet to the point of curve; Thence, fourth course: northwesterly, curving to the right on a curve with a radius of 300.00 feet, a delta angle of 24°29'29", a length of 128.24 feet, a chord bearing of N04°53'16"W, and a chord distance of 127.26 feet, to the point of tangency; Thence, fifth course: N07°21'29"E, a distance of 64.80 feet; Thence, sixth course: N89°17'45"E, a distance of 330.18 feet, to a point on the easterly boundary of said Lot 1; Thence, seventh course: S00°42'15"E, along the easterly boundary of said Lot 1, a distance of 267.15 feet, to the point of Beginning; Said Parcel contains 101,554 square feet or 2.331 acres more or less, more generally described as being located one quarter mile south of South Highway 16 and Catron Boulevard.

9. No. 01PL033 - Old Rodeo Subdivision

A request by Renner & Sperlich Engineering for Gustafson Builders to consider an application for a **Preliminary and Final Plat** on Lot 2 of Old Rodeo Subdivision located in the N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located one quarter mile south of South Highway 16 and Catron Boulevard.

Doug Sperlich for Orthopedic Building Partnership explained that the three landowners that are affected by the Comprehensive Plan Amendment have verbally agreed to the revisions but have not taken formal action yet. Sperlich requested that the Planning Commission continue Item #7 but approve Items 8 and 9 with the stipulation that the applicant post a surety bond for the design and construction of the north/south collector road that is adjacent to the proposed lot. Sperlich added that the applicant plans to continue working with the other landowners and anticipates reaching an agreement to the revisions prior to the next Planning Commission meeting. Sperlich advised that if an agreement is not reached, then the applicant would build the road in its presently approved and adopted location.

Wevik expressed concern about approving Items 8 and 9 without having an opportunity to review the stipulations. Elkins added that this Planning Commission has been very clear with staff that they did not wish to approve items that the Commission has not had an opportunity to review and approve. Elkins stated that without the landowners being in agreement of the amendment, staff could not support recommending approval of the Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan. Elkins stated that it is staff's understanding that before the Planning Commission approves the plats, the Planning Commission would want to see that the road plans have been submitted for review





and approval, give the other landowners in the area an opportunity to review those plans and have that discussion fully in front of the Planning Commission. Elkins added that this is the direction that staff followed on Items 7-9.

Sperlich added that the Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan was submitted informally for review by the Future Land Use Committee in February. He expressed concern that the applicant's project is being held up because the applicant is the first to plat and is responsible for obtaining the necessary approvals.

Sperlich stated that even though there are no design plans for the road, the applicant is willing to post surety bond. Sperlich added that the applicant has not objected to anything that the City has required and that this is a quality development and just wants to move forward with Item 8: Initial and Final Planned Commercial Development Plan and Item 9: Preliminary and Final Plat.

Elkins clarified that to date a plat has not been submitted that shows right-of-way or design plans for the road on the east. Elkins outlined the options available to the applicant. Elkins stated that the applicant could withdraw the request for the amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan, and submit the road plan and revise the plat to show the road on the east. Elkins suggested that due to time constraints, the Planning Commission could continue this item to the end of the agenda and then it will likely be on the agenda when this meeting is continued to July 12, 2001.

Dr. Jim Scherr, Black Hills Orthopedic and Spine Center Scherr stated that this is a quality facility and will draw patients from a 300-mile radius into our community and expressed concerns about delaying the project any longer. Scherr requested that the Planning Commission continue Item #7 but approve Items 8 and 9 with the stipulation that the applicant post a surety bond for the design and construction of the north/south collector road.

Wall concurred with Scherr that this facility will be a benefit to the community but expressed concerns with approving items that have not been reviewed and approved by the Planning Commission. Wall asked if it was possible to draw up plans for staff's review based on the road being constructed on the east side and then change the location later when an agreement is reached. Sperlich stated that the plans could be prepared for staff review prior to the next City Council. Discussion followed concerning filing the plat and posting the surety bond.

Elkins stated that the applicant would have to submit a revised plat showing the right-of-way for Engineering to review prior to the continued Planning Commission meeting.

Shafai stated that he represents one of the landowners to the east affected by the Comprehensive Plan Amendment. Shafai stated that he is confident an agreement will be reached between the landowners and requested that the Planning Commission approve the applicant's request to continue Item #7 and approve Items 8 and 9.





Wevik suggested that Items 7-9 be postponed to the end of the agenda. Wevik added that if the Planning Commission members concurred, the meeting today would continue to 9:30 a.m. and whatever items are not acted upon will be continued to Thursday, July 12, 2001.

Wall moved, Stone second, and approved unanimously to recommend postponing Items 7-9 to the end of the agenda. (8-0)

24. No. 01UR029 - Section 21, T1N, R7E

A request by Steve and Trisha Nolan to consider an application for a **Use on Review to allow a day care center in the Low Density Residential Zoning District** on Lot 23 of the NE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4605 Easy Street.

Prairie Chicken asked for clarification on this request to located the day care center in the Low Density Residential Zoning District. Elkins advised that staff has recommended that the Use on Review to allow a day care center in the Low Density Residential Zoning District be approved with stipulations. Elkins added that revisions to the site plan need to be completely prior to issuance of a building permit and certificates of occupancy. Elkins advised that there has been no formal public comment received regarding this item.

Prairie Chicken moved, Mashek seconded, and carried unanimously to recommend that the Use on Review to allow a day care center in a Low Density Residential Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a complete site, water hook-up, grading and drainage plan for the subject property and the required Easy Street improvements shall be submitted for review and approval;
2. Prior to issuance of a Certificate of Occupancy, that portion of the fence along Corral Drive within the Corral Drive/Easy Street sight triangle shall be removed;
3. Prior to issuance of a Certificate of Occupancy, the approach on Corral Drive shall be removed and replaced with curb and gutter;
4. Prior to issuance of a Certificate of Occupancy, the structure shall be connected to the City water system;
5. Prior to Certificate of Occupancy, the required site and Easy Street improvements shall be completed or surety posted in the amount necessary to complete the improvements;

Building Inspection Department Recommendations:

6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

Fire Department Recommendations:

7. Prior to City Council approval, a revised site plan shall be submitted identifying the location of fire hydrants within 500 feet of the subject property;
8. That fire access shall be continually maintained;





Urban Planning Division Recommendations:

9. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;
10. That a State of South Dakota Department of Social Services Day Care License shall be continually maintained;
11. Prior to City Council approval, a revised parking plan shall be submitted identifying compliance with all requirements of the Off-Street Parking Ordinance;
12. The maximum number of children to be cared for at this facility shall be fifty unless a lesser number is set by the State of South Dakota, then the State identified number shall be the maximum number of children allowed;
13. That the Use On Review Shall be subject to renewal in one (1) year; and,
14. That the Use On Review shall expire if the use has ceased for a period of two years. (8-0)

26. No. 01AN010 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Resolution of intent to Annex** on Tract AR2 of Needles Subdivision, Lot A of Tucker Subdivision, Tract A of Meadow View Subdivision, the 40 foot wide Tucker Street ROW located in the SE1/4 NW1/4 NW1/4, and that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16, all located within Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Conrad Ruppert, area property owner, expressed his opposition to the application for a Resolution of intent to Annex.

Elkins reviewed the proposed annexation area relative to existing city limits. She reviewed the history of this annexation issue. Elkins added that based on the statutes and the fact that there is a community of interest, that these properties are wholly surrounded by the city limits, and that there are city services available that it would be equitable for the taxpayers of Rapid City and Pennington County to proceed with the forced annexation of this property.

Discussion followed concerning Edinborough and South Hill Subdivisions, utilities and fire and police protection.

Wall discussed property owner rights and the goals established by the City for annexing land. Wall stated that he would support a motion to recommend approval of the application for a Resolution of intent to Annex.

Donna Belle Talty, 1700 Catron Boulevard, expressed opposition to the application for the Resolution of intent to Annex. Talty also expressed concerns about her existing uses of the property, services provided by the City and increased taxes.

Further discussion followed.





Kooiker moved to recommend that the application for a Resolution of intent to Annex be postponed to the end of the agenda. The motion died for lack of a second.

Wevik stated that he also appreciates property owner's rights and their concerns regarding increased taxes, however, he added that it is the Planning Commission's responsibility to annex property that is appropriate. Wevik further explained that this property is surrounded by City property and services and that he plans to support staff's recommendation to approve the application to annex.

Prairie Chicken moved, Wall seconded, and carried to recommend that the Resolution of Intent to Annex be approved. (7 to 1 with Sam Kooiker voting no)

27. No. 01UR020 - Cloverdale Subdivision

A request by Lawrence Lynde to consider an application for a **Use on Review to allow a garage in excess of 1000 square feet** on Lot 8, Block 9, Cloverdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2210 Hoefer Avenue.

Prairie Chicken asked if there had been any public comment received regarding this application for a Use on Review to allow a garage in excess of 1000 square feet.

Seaman advised that the applicant sent out the certified mailings and no one responded back either by phone calls or letters to staff.

Prairie Chicken moved, Stone second, and carried unanimously to recommend that the Use on Review to allow a garage in excess of 1000 square feet be approved with the following stipulations:

Building Inspection Division Recommendations:

1. **A building permit shall be obtained prior to any construction and a Certificate of Completion shall be obtained prior to occupancy;**

Urban Planning Division Recommendations:

2. **A statement declaring that the garage cannot be used for commercial purposes must be signed by the property owner and filed with the Register of Deeds prior to issuance of a building permit;**
3. **Prior to City Council approval, the applicant shall provide elevation drawings of the garage;**
4. **Prior to issuance of a Building Permit, the applicant shall provide a landscaping plan that identifies sufficient landscaping to buffer the property to the east**
5. **That the garage shall be constructed of the same materials and the same color(s) as the existing residence; and,**
6. **That no plumbing shall be allowed in the garage. (8-0)**

28. No. 01PD033 - Original Town of Rapid City

A request by Centerline for CSU Properties, Inc. to consider an application for a **Planned Development Designation** on Lots 1, 2, 3, and 4 in Block 6 and Lot RU-9A, North Half of Adjacent Vacated Alley and all of Adjacent Vacated 4th Street





R.O.W. in the Original Townsite of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of the intersection of Fifth Street and North Street.

29. No. 01CA016 - Original Town of Rapid City

A request by Centerline for CSU Properties to consider an application for a Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.019 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development on Lots 1, 2, 3, and 4 in Block 6, Lot RU-9A, north half of adjacent vacated alley and all of adjacent vacated 4th Street R.O.W. in the Original Townsite of Rapid City, Section 36, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of 5th Street and North Street.

30. No. 01RZ035 - Original Town of Rapid City of Rapid City

A request by Centerline for CSU Properties, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 1, 2, 3, and 4 in Block 6 and Lot RU-9A, North Half of Adjacent Vacated Alley and all of Adjacent Vacated 4th Street R.O.W. in the Original Townsite of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fifth Street and North Street.

Wevik advised that Items 28, 29, and 30 would be acted upon concurrently.

Theresa Gibson, property owner at the northeast corner of Wood Avenue and North Street, expressed concerns that area property owner were not properly notified, that increased traffic would be experienced in the residential area, and with the height of the building. Gibson requested that Items 28-30 be continued to allow area property owners time to pick up their certified letter.

Discussion followed concerning the present zoning of the subject property, Planned Development Designation, and rezoning request from Medium Density Residential District to Office Commercial District, access issues and increased traffic on North Street.

Elkins reviewed the notification procedures.

Wall moved, and Stone seconded to recommend that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits shall be allowed unless approved as part of a Final Development Plan; the Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.019 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved; and the Rezoning from Medium Density Residential District to Office Commercial District be approved in conjunction with the Planned Development Designation and contingent upon a Comprehensive Plan Amendment to the North Rapid Neighborhood Area Future Land Use Plan being approved.





Discussion followed concerning the Resolution of support from the North Rapid Civic Association and notification requirements for amendments to the Comprehensive Plan.

Kooiker asked how many certified letters were mailed to area property owners. Elkins advised that 16 letters were mailed out and that no green cards have been returned to staff.

Kooiker made a substitute motion to recommend that Items 28-30 be postponed to the end of the agenda. The motion died due to lack of a second.

The vote on the original motion carried unanimously to recommend that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits shall be allowed unless approved as part of a Final Development Plan; the Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.019 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved; and the Rezoning from Medium Density Residential District to Office Commercial District be approved in conjunction with the Planned Development Designation and contingent upon a Comprehensive Plan Amendment to the North Rapid Neighborhood Area Future Land Use Plan be approved. (8-0)

42. No. 01PD031 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for an **Initial and Final Planned Commercial Development** on Lot 2 of Lot K2-C of Marshall Heights Tract less the South 103 feet of Lot 2 of Lot K2-C of Marshall Heights Tract , Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

43. No. 01PD032 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for an **Initial Planned Residential Development** on The South 103 feet of Lot 2 of Lot K2-C of Marshall Heights Tract , Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.

44. No. 01RZ032 - Marshall Heights Tract

A request by Fisk Engineering for Paul Bradsky for Wal-East Development, Inc. to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on the South 103 feet of Lot 2 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Knollwood Drive east of the intersection of Maple Avenue and Knollwood Drive.





Emerson recommended that Items 42-444 be continued to the July 26, 2001 Planning Commission meeting to allow advertising of revised legal descriptions provided by the applicant.

Prairie Chicken moved, Wall seconded, and carried unanimously to recommend that Items 42-44 be continued to the July 26, 2001 Planning Commission meeting to allow advertising of the revised legal descriptions. (8-0)

45. No. 01UR033 - Original Town of Rapid City

A request by Lund Associates, Inc. to consider an application for a **Major Amendment to a Use on Review to allow a Drive-Up Window** on Lots 17 through 32, Block 104, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Rapid City Public Library, 610 Quincy Street.

Gene Fennel, Lund Associates, stated that staff is recommending approval of the Major Amendment to a Use on Review for the library to allow a drive-up window with stipulations. Fennel requested that stipulation #2 be revised to allow two drive-up windows with a review in 12 months. Fennel noted that staff had not been provided with information regarding the Library's intention to let bids for both windows.

Discussion followed concerning standards for drive-up windows, stacking issues, width of the alley, encroachments and parking stalls. Additional discussion followed concerning the use of drive-up windows at libraries, how to expedite service to customers and conflicts between the drive-up window and the stacking lane.

Tschetter advised that she has used a drive-up window at a library and it was an excellent tool for people who have difficulty entering a library facility.

Wall moved, Mashek second, and carried unanimously to recommend that the Major Amendment to a Use on Review to allow a Drive-up Window be approved with the following stipulations:

Urban Planning Division Recommendations:

- 1. That a minimum of two stacking stalls for a total of 46 feet of stacking shall be provided for the drive-up window;**
- 2. That two drive-up windows shall be allowed contingent upon a review in 12 months, and,**
- 3. That the use of the drive-up window shall be limited to reserved pick-up and drop off only. (8-0)**

56. No. 01PL058 - Skyline Pines Subdivision

A request by Renner & Sperlich Engineering for Skyline Pines Development L.L.C. to consider an application for a **Final Plat** on Tract C Revised of SW1/4 of Section 11, Skyline Drive Right-of-Way, and Block 1 of Skyline Pines Subdivision (formerly Tract C of SW1/4 of Section 11, a portion of the W1/2 of the SW1/4, a portion of the SE1/4 of the SW1/4 of Section 11, and a portion of the E1/2 of the SE1/4 of Section 10) located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota and Lots 1 thru 10 of Block 2, Lots 1 thru 14 of Block 3, and Lot 1 of





Block 4, Skyline Pines Subdivision (formerly a portion of the SW1/4 of Section 11, T1N, R7E, B.H.M.) located in the SW1/4, Section 11, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more generally described as being located approximately one-quarter mile north of the intersection of Tower Road and Skyline Drive.

Emerson distributed a revised staff report noting stipulation #8, which indicates that prior to City Council approval, the applicant shall identify a 100 foot building restriction easement along the Skyline Drive for those lots on the east side of Skyline Drive. Emerson stated that the applicant concurs with the inclusion of stipulation #8.

Mashek moved, Wall seconded and carried unanimously to recommend that the Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Planning Commission approval, the applicant shall submit engineering plans for the off-site sanitary sewer for review and approval;
2. Prior to Planning Commission approval, the applicant shall submit a cost estimate for the entire construction cost of all subdivision improvements for review and approval;
3. Prior to City Council approval, the applicant shall complete all erosion control measures as identified on the engineering plans;
4. Prior to City Council approval, the applicant shall provide documentation from all affected utility companies stating they do not object to vacating the section line highway;

Emergency Service Communication Center Recommendations:

5. Prior to City Council approval, the applicant shall submit a revised name for Kini Court for review and approval and the plat document shall be revised to identify the approved name;

Urban Planning Division Recommendations:

6. Prior to City Council approval, the applicant shall pay the required Subdivision Inspection fees; and,
7. Prior to Final Plat approval by the City Council, the petitioner shall have posted financial surety in a form to be approved by the City Attorney for any incomplete subdivision improvements.
8. Prior to City Council approval, the applicant shall identify a 100 foot building restriction easement along the Skyline Drive for those lots on the east side of Skyline Drive. (8-0)

57. No. 01RD006 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a Resolution renaming the approximately one-quarter mile long northwest/southeast oriented roadway known as Jolly Lane to Festive Lane located between Race Track Road and Elk Vale Road.

Elkins advised that one of the landowners objected to the proposed name "Festive Lane" and requested that this item be continued to the July 26, 2001 Planning Commission meeting so that the area landowners can submit a revised road name.





Wall moved, Mashek seconded, and carried unanimously to recommend that the Resolution renaming the approximately one-quarter mile long northwest/southeast oriented roadway known as Jolly Lane to Festive Lane located between Race Track Road and Elk Vale Road be continued to the July 26, 2001 Planning Commission meeting. (8-0)

58. No. 01RD007 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **Resolution renaming the approximately one-eighth mile long unnamed east/west roadway to North Street** located between the intersection of North Street and Fillmore Street extending west to West Boulevard and more commonly known as "North Street".

A brief discussion followed concerning the naming of Fillmore Street.

Wall moved, Stone seconded, and carried unanimously to recommend that the Resolution renaming the approximately one-eighth mile long unnamed east/west roadway to North Street located between the intersection of North Street and Fillmore Street extending west to West Boulevard and more commonly known as "North Street" be approved. (8-0)

Elkins advised that the Planning Commission's standard procedure is to adjourn the Planning Commission meeting at 9:00 a.m. and continue the meeting to the following Thursday. Elkins asked the Planning Commission for direction on how they wished to proceed.

Wevik suggested that the Planning Commission proceed with one more item and then continue the meeting to next Thursday, July 12, 2001 at 7:00 a.m.

60. No. 01RZ034 - Bradsky Subdivision No. 2

A request by Bill Caldwell to consider an application for a **Rezoning from Flood Hazard District to General Commercial District** on 1.006 acre of land situated in Tract 5 of Bradsky Subdivision No. 2, located in the NW1/4 SW1/4 of Section 5, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; said 1.006 acre of land being more particularly described by metes and bounds as follows: BEGINNING at the northwest corner of Said Tract 5 of Bradsky Subdivision No. 2, on the east right-of-way line of Cambell Street, a 100 foot wide public street; Thence, South 47°30'00" East, along the northeast line of said Tract 5, 11.44 feet to a point for corner; Thence, South 33°30'00" East, a distance of 80.59 feet to a point for corner; Thence, South, a distance of 78.00 feet to a point for corner; Thence, South 66°00'00" East, a distance of 40.00 feet to a point for corner; Thence, East, a distance of 52.00 feet to a point for corner; Thence, South, a distance of 25.50 feet to a point for corner; Thence, South 15°30'00" East, a distance of 125.00 feet to a point for corner; Thence, South, a distance of 116.00 feet to a point for corner on the south line of said Tract 5; Thence, North 66°58'16" West, a distance of 190.00 feet to the southwest corner of said Tract 5, on the east right-of-way line of said Cambell Street; Thence, North, along the west line of said Tract 5 and east right-of-way line of said Cambell Street, a distance of 356.82 feet to the POINT OF BEGINNING, and containing 1.006 acre of land, more or less, more generally described as being located at 1316 Cambell Street.





Discussion followed concerning continuing this item to the end of the agenda or to continue to the July 26, 2001 Planning Commission meeting to allow the applicant time to submit additional information showing that the property is located above the Rapid Creek 100 year hydraulic floodway or provide documentation that the Federal Emergency Management Agency has revised the floodway boundary for the property. Elkins explained that at this time, Caldwell did not plan to provide any additional information and added that it would be appropriate to have a full discussion of this item today.

Bill Caldwell, owner of Select Sales, expressed concerns with conflicting information concerning the base flood elevation of his property. Lengthy discussion followed concerning the applicant's submittal of a letter of map revision to the Federal Emergency Management Agency, the applicant's building plans, development in flood plain areas, the new FEMA maps, and the cost of engineering and hydraulic studies.

Discussion followed concerning Caldwell's building plans. Caldwell stated that he would like to put a 38-foot by 65-foot addition on the back of his current building. Wall stated that the Planning Commission and City Council have been adamant about not allowing any permanent structures in the flood plain. Further discussion followed concerning economic development, Greenway development, Flood Plain Policy and Flood Insurance Rate Maps.

Rich Wells, Flood Plain Administrator for the City of Rapid City, stated that Caldwell's elevation certificate for his property was based on the old maps. Wells explained that the new maps were based on the Corps of Engineer's flood study, compliance with the base flood elevation, the Rapid Creek 100 year hydraulic floodway, high hazard areas, debris, and management of the flood plain.

Caldwell again requested that the Planning Commission recommend approval of his request to rezone the subject property from Flood Hazard District to General Commercial District.

Discussion followed concerning the Flood Hazard zoning requirements and the letter of map revision the applicant submitted to the Federal Emergency Management Agency (FEMA) to revise the floodway boundary for the subject property to allow rezoning from Flood Hazard District to General Commercial District. Additional discussion followed.

Kooiker moved, Wall seconded, and carried unanimously to recommend denial of the request to Rezone the property from Flood Hazard District to General Commercial District without prejudice. (8-0)

Prairie Chicken moved, Wall seconded to recess the meeting and continue Items 7-9 and Items 61-79 to the July 12, 2001 Planning Commission meeting.

Discussion followed concerning a quorum. Prairie Chicken advised that he would not be available July 12, 2001.





The vote on the motion carried unanimously to recess the meeting and continue Items 7-9 and Items 61-79 to the July 12, 2001 Planning Commission meeting. (8-0)

Chairperson Wevik recessed the meeting at 9:50 a.m.

Chairperson Wevik reconvened the July 5, 2001 Planning Commission meeting on July 12, 2001 at 7:05 a.m. The following individuals were in attendance:

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

STAFF PRESENT: Marcia Elkins, Lisa Seaman, Blaise Emerson, Kenn Shave, Rich Wells, Randy Nelson, Dave Johnson and Nadine Bauer.

61. No. 01UR031 - Park Addition No. 2 Addendum

A request by Dream Design International to consider an application for a **Major Amendment to a Use On Review to revise the conditions of approval for an On-Sale Liquor Establishment** on Lot F less Lot F-1, Park Addition No. 2, Section 6 (also in Section 1, T1N, R7E), T1N, R8E, BHM, and Lot A of E of Government Lot 4 and 5, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 200 East Main Street.

Wall moved, Mashek seconded, and carried unanimously to recommend that the Major Amendment to a Use On Review to revise the conditions of approval for an On-Sale Liquor Establishment be continued to the August 9, 2001 Planning Commission meeting to allow the applicant time to submit additional required information. (8-0)

62. No. 01UR034 - Meadowwood Subdivision and Pine Hills Subdivision

A request by Harland Danielsen to consider an application for a **Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility** on Lot 8 of Tract "B" of SW1/4 NE1/4; Lot 2 of Tract E of SE1/4 NW1/4 of Meadowwood Subdivision and Lot 3 of Lot 88A of Pine Hills Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4095 Sturgis Road.

Wall recommended that this item be continued to the end of the agenda until the applicant is present.

Prairie Chicken moved, Wall seconded, and carried unanimously to postpone the request for a Use on Review to allow an On Sale Liquor Establishment including an outdoor concert facility to the end of the agenda.

Seaman presented the request and reviewed the slides noting that staff recommends that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to provide additional required information and obtain the required variances.





Angela Colbath, appearing on behalf of the applicant, reviewed the applicant's plans and the variances requested from the Zoning Board of Adjustment. Discussion followed concerning time constraints, lighting for the stage area, the number of required parking spaces, security, motorcycle parking, neighbors, temporary use, and the proposed evening concert. Colbath asked that the Planning Commission to recommend approval of this Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility noting that the Sturgis Motorcycle is approximately 2 ½ weeks away. Colbath explained that the applicant needs to be able to proceed with finalizing the project plans if he is going to have the concert during the motorcycle rally.

Wall stated that he understands the time constraints involved in this request but expressed concerns about approving the Use on Review without knowing whether the Zoning Board of Adjustment will approve the variances.

Wall moved, Kooiker seconded and carried unanimously to recommend that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to provide additional required information and obtain the required variances. (7 to 0)

63. No. 01UR035 - Original Town of Rapid City

A request by Robert Blumenthal for Century Motels, Inc. to consider an application for a **Use on Review to allow an On-Sale Liquor Establishment** on Lots 1 through 9 and the vacated alley adjacent to said Lots 1 through 9 in Block 1; and Lots RU-19 and RU-20 in Block 1; and that part of Lots 11 through 16 in Block 2 and of vacated Ninth Street lying north of the dedicated street right-of-way shown on the plats filed in Plat Book 14, Pages 83 and 110; and that part of vacated North Street adjacent to said Lots 1 through 9 and Lot RU-19 in Block 1 and to said Lots 11 through 16 in Block 2 and to vacated Ninth Street, as shown on the plat filed in Plat Book 15, Page 20, all in the Original Town of Rapid City, Section 36, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 950 North Street.

Seaman presented the request and reviewed the slides noting that staff recommends approval of the Use on Review to allow an On-Sale Liquor Establishment with stipulations.

Discussion followed concerning adequate parking, the convention area, the continental breakfast area, amenities, areas designated for on-sale liquor, and signage.

Wall expressed concerns about the close proximity of Central High School, security, and safeguards concerning minors.

Robert Blumenthal, Century Motels, reviewed the current plans and security. He further explained the types of services that would be provided, usage of the convention center and continental breakfast areas, the initial plans for a full service bar and restaurant and the limited hours for on-sale liquor.





Swedlund moved, Prairie Chicken seconded, and carried unanimously to recommend that the Use on Review to allow an On-Sale Liquor Establishment be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a Certificate of Occupancy, all requirements of the Fire Code shall be complied with;

Urban Planning Division Recommendations:

2. That no signage shall be allowed on the exterior of the structure that advertise alcoholic beverages;
3. That the on-sale liquor use shall be accessory to the hotel and convention center facility and no permanent on-sale facilities (bar) shall be permitted;
4. That all requirements of the landscaping and parking ordinance shall be continually met; and,
5. The Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (8 to 0)

64. No. 01UR028 - Original Town of Rapid City

A request by Joe Mustard for Native American Heritage Association to consider an application for a **Use On Review to allow a Mission in the Central Business District** on Lots 1-7, Block 96, Original Town of Rapid City, Section T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 Saint Joseph Street.

Seaman presented the request and reviewed the slides noting that staff recommends approval of the Use On Review to allow a Mission in the Central Business District.

Discussion followed concerning the post and chain barrier that is to be installed across the east curb cut on St. Joseph Street and signage that is to be installed at the west curb cut on St. Joseph Street to identify it as an "enter only" access location. Joe Mustard, Native American Heritage Association, stated that the stipulation regarding the post and chain barrier would be completed Sunday, July 15, 2001.

Additional discussion followed concerning correction of all Fire Code Violations in accordance with the schedule included in the "Letter of Intent" provided to the Fire Department by the applicant, monthly reports to be provided to the City Council at a regular scheduled meeting, landscaping, the plans for filling in the swimming pool as well as security and supervision.

Additional discussion followed concerning opposition to the Use On Review to allow a Mission in the Central Business District. Mustard reviewed his conversations with John Morrison, Motor Service Co., 402 St. Joseph Street.

Discussion followed concerning the recommended stipulations of approval. Elkins explained that many of the stipulations for this Use on Review are the same stipulations that were imposed on the Cornerstone Rescue Mission, 30 Main Street.





Elkins added that these stipulations are attempts to be consistent in regards to missions.

Dan Island, Director of the Cornerstone Rescue Mission, expressed his support of the Native American Heritage Association request for a Use On Review to allow a Mission in the Central Business District. Island stated that he works closely with Mustard and NAHA and is confident that the program will be managed properly.

Wall moved, Prairie Chicken seconded, approved unanimously to approve the Use On Review to allow a Mission in the Central Business District be approved with the following stipulations:

Engineering Division Recommendations:

13. Prior to City Council approval; a post and chain barrier be installed across the east curb cut on Saint Joseph Street and signage shall be installed at the west curb cut on Saint Joseph Street to identify it as an "enter only" access location;

Fire Department Recommendations:

14. That the applicant shall correct all Fire Code Violations in accordance with the schedule included in the "Letter of Intent" provided to the Fire Department by the applicant;

Urban Planning Division Recommendations:

15. There shall be no inoperable vehicles on the site;
16. There shall be no outside storage of personal belongings;
17. Prior to City Council approval documentation from the Building Inspection Department and the Health Department shall be provided that verify that the mission complies with all Life and Safety Codes;
18. That all Life and Safety Codes shall be continually met;
19. If required, an 11.1 Historic Preservation approval shall be received prior to the issuance of any Building Permits;
20. That a Services Plan be provided and approved by the City Planning Commission and City Council and any change in the services plan shall require a Major Amendment to the Use On Review;
21. That the services plan include provisions for 24 hour supervision by an individual or individuals trained and qualified to administer the functions and activities of the mission;
22. That the Use On Review be granted for a period of one year subject to renewal by the Planning Commission and the City Council;
23. That monthly reports provided by a member of the Native American Heritage Association Board of Directors shall be provided to the City Council at a regular scheduled meeting. The monthly report shall include a monthly statistical summary of occupancy for the month, updates on any administrative changes, stability of the Mission, a prepared statement by a law enforcement representative describing any events that required police action and a prepared statement by a Building Inspection representative describing the exterior and interior maintenance conditions of the building and grounds. (8-0)





65. No. 01SV009 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit** on Lots 1-4 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

Elkins presented the request and reviewed the slides noting that staff recommends that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for Lot 4 of Squirrely Acres be denied and that the Variance to the Subdivision Regulations to waive the requirements for paving curb, gutter, sidewalk, dry sewer and street light conduit for Lots 1 thru 3 of Squirrely Acres be approved with stipulations.

Discussion followed concerning construction of the roadway, paving and development plans for Lot 4.

Prairie Chicken moved, Swedlund seconded to recommend that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for Lot 4 of Squirrely Acres be denied and that the Variance to the Subdivision Regulations to waive the requirements for paving curb, gutter, sidewalk, dry sewer and street light conduit for Lots 1 thru 3 of Squirrely Acres be approved with the following stipulations:

Engineering Division Recommendation:

1. **Prior to City Council approval, the road shall be constructed to a minimum 20 foot wide graveled roadway, or surety shall be posted;**

Fire Department Recommendation:

2. **Prior to City Council approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. The cul-de-sac design shall comply with the minimum requirements of the Street Design Criteria Manual or a special exception shall be obtained; and,**

Urban Planning Division Recommendations:

3. **Prior to City Council approval, a waiver of right to protest an assessment district for Lots 1 through 3 shall be signed.**

Discussion followed concerning multi-family development and waiving the requirements for dry sewer on Lot 4.

The motion carried unanimously to recommend approval of the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for Lot 4 of Squirrely Acres be denied and that the Variance to the Subdivision Regulations to waive the requirements for paving curb, gutter, sidewalk, dry sewer and street light conduit for Lots 1 thru 3 of Squirrely Acres be approved with the following stipulations:





Engineering Division Recommendation:

1. Prior to City Council approval, the road shall be constructed to a minimum 20-foot wide graveled roadway, or surety shall be posted;

Fire Department Recommendation:

2. Prior to City Council approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. The cul-de-sac design shall comply with the minimum requirements of the Street Design Criteria Manual or a special exception shall be obtained; and,

Urban Planning Division Recommendations:

3. Prior to City Council approval, a waiver of right to protest an assessment district for Lots 1 through 3 shall be signed. (8 to 0)

66. No. 01SV012 - Squirrelly Acres Subdivision

A request by Fisk Engineering for Ken Berglund to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for topography at two foot contour intervals on Lots 1-3 of Squirrelly Acres Subdivision and to allow lots which are twice as long as wide.** on Lots 1, 2 and 3 of Squirrelly Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

Elkins presented the request to the Subdivision Regulations to waive the requirement for topography at two foot contour intervals on Lots 1-3 of Squirrelly Acres Subdivision and to allow lots which are twice as long as wide.

Janelle Finck, Fisk Land Surveying, discussed the additional information that Engineering staff requested for Lot 4. Lengthy discussion followed concerning waiving the requirement for topography at two-foot contour intervals.

Dave Johnson, City Engineering, expressed concerns with waiving the requirement for topography at two-foot contour intervals on Lots 1-3 and the drainage from Lot 4. Discussion followed concerning additional topographic information required of the applicant for Lots 1-3, runoff from Lot 4, on-site detention facilities, future development plans, storm water conveyance, and rezoning Lot 4 to Medium Density Residential. Johnson stated that staff has not received all of the necessary drainage information to be able to determine if additional topographic information is needed on Lots 1-3. Johnson stated that the drainage study is dictating what level of topographic information that is needed and that staff is working with the applicant's engineer to evaluate the drainage.

Finck stated that the applicant is not ready to move forward with development plans for Lot 4 and requested that the Planning Commission accept the information that has been provided to Engineering staff concerning Lot 4 and approve the Variance to the Subdivision Regulations to waive the requirement for topography at two foot contour intervals for Lots 1-3. Finck added that the information the applicant provided staff demonstrates that the drainage runs to the south and that there is no





need to reserve drainage easements across the existing three lots. Finck explained that there is sufficient area to create a detention facility on Lot 4 if needed.

Lengthy discussion followed concerning the Planned Residential Development, drainage plans, topography, and development plans.

Rich Wells, City Drainage Engineer, expressed technical and legal concerns about Lot 4. Wells added that the applicant might not be able to develop Lot 4 depending on the quantity and nature of flow that may be created with development. Wells added that staff is not asking the applicant to do an in depth drainage study but the applicant does have to provide enough drainage information in order to understand what is going to occur in the future.

Discussion followed concerning drainage easements running to the south, legal issues, improved drainage facilities downstream, developer and property owner's rights, current drainage requirement, density increases, drainage basin planning, detention ponds and nature limits.

Wall expressed concerns about drainage requirements and postponing development.

Wells stated that Engineering staff is not trying to force the topography issue on the applicant but would like to see the applicant display a certain level of planning. Wells stated that once staff has reviewed their preliminary plans then it can be determined if additional topographic information is needed.

Finck reiterated that the applicant does not have any specific development plans for Lot 4 at this time and added that it is almost impossible for the applicant to address what drainage might potentially want to cross the three lots.

Kooiker expressed concerns about the rezoning of Lot 4 to Medium Density Residential, development plans, and drainage plans. Finck stated that the applicant is not requesting that Lot 4 be platted and does not have any development plans at this time. Finck added that Medium Density Residential zoning means anything from townhomes to duplexes to apartment buildings and the applicant understands that he will have to deal with the constraints of the lot at the time he is ready to develop Lot 4.

Discussion followed concerning the Layout Plat process, preliminary planning, and 8 foot vs. 20-foot easements and detention.

Wevik expressed concerns about putting further constraints on Lots 1-3 without knowing what the development is going to be. Wevik added that he is not promoting a comprehensive plan.

Swedlund stated that he would like to have more information regarding what the plans are rather than speaking about hypothetical situations.

Brandon Casey, area property owner, expressed concerns about drainage, the development plans for Lot 4 and rezoning Lot 4 from Park Forest to Medium Density Residential.





Pat Hall stated that he represents the owner of the property and added that the owner wanted to subdivide the three lots and leave the fourth lot for future development. Hall stated that this is not an uncommon practice. Hall stated that the applicant does not wish to do an extensive drainage study that is being requested by Engineering staff because he does not know what he wants to do with Lot 4. Hall added that the applicant is willing to take the risk of being restricted in the future and that the applicant wants to be a good neighbor.

Elkins reviewed the project and the Future Land Use Plan amendments recently approved by the City Council.

Wall asked about the offer to increase the easements to 20 foot wide. Wells stated that without having some preliminary design information, he does not know whether the easements would be adequate, necessary or in the right location.

Jay Heezen stated that he plans to make an offer to buy Lot 3 and had concerns about the 20-foot wide easement and any restrictions to adding onto the house. Discussion followed.

Wall moved, Kooiker seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement for topography at two foot contour intervals on Lots 1-3 of Squirrely Acres Subdivision be denied and that the request to waive the requirement to allow lots which are twice as long as wide be approved. (7 to 1 with Wevik voting no)

67. No. 01PL044 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

Elkins presented the Preliminary and Final Plat request for Lots 1-3. Elkins stated that Engineering staff requested that stipulations 1, 3, and 4 be revised to read that prior to "Final Plat" approval by the "City Council", the requested information will be provided. Elkins stated that staff recommends the Preliminary and Final Plats for Lots 1-3 be approved with stipulations as revised.

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

Engineering Division Recommendations:

- 1. Prior to Final Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Final Plat approval by the City Council, the applicant shall provide documentation in compliance with Section 16.20 of the Subdivision**





- Regulations providing for the maintenance of the private access easement;
3. Prior to Final Plat approval by the City Council, topographic information shall be submitted for review and approval;
 4. Prior to Final Plat approval by the City Council, a drainage plan, designed in accordance with the Arrowhead Drainage Basin Development Plan, shall be submitted for review and approval;
 5. Prior to Final Plat approval by the City Council, the plat shall be revised to show a utility and maintenance easement from the well to the individual home sites;

Fire Department Recommendations:

6. Prior to Preliminary Plat approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. The cul-de-sac design shall comply with the Street Design Criteria Manual or the applicant shall obtain a Special Exception to the Street Design Criteria Manual;

Emergency Services Communication Center Recommendation:

7. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the access easement as "Berglund Road";

Urban Planning Division Recommendations:

8. A Special Exception shall be granted to allow a cul-de-sac in excess of 1,200 feet in length and to waive the requirement that an intermediate turnaround shall be provided every 600 feet within a cul-de-sac;
 9. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow the lot length to be greater than twice the lot width, or the plat shall be revised to comply with the length to width requirement;
 10. Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Park Forest with a Planned Residential Development;
 11. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
 12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (8 – 0)
68. No. 01PD027 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Planned Residential Development - Initial Development Plan** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), 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 northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the ¼ Section Line; Thence, westerly along the ¼ Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the ¼ Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence,





S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins reviewed the request for the Planned Residential Development noting that staff recommends approval with stipulations.

Wall moved, Prairie Chicken seconded, and carried unanimously to approve the Planned Residential Development - Initial Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Development Plan, the applicant shall sign a maintenance agreement to provide maintenance of the private access easement as required by Section 16.20 of the Subdivision Regulations;
2. Prior to City Council approval of the Final Development Plan, the road shall be improved to a minimum 20 foot wide graveled roadway or surety shall be posted;
3. Prior to City Council approval of the Final Development Plan, the site plan shall be revised to show the location of the community well;
4. Prior to City Council approval of the Final Development Plan, a drainage plan, in accordance with the Arrowhead Drainage Basin Development Plan, shall be submitted for review and approval;
5. Prior to City Council approval of the Final Development Plan, the Final Plat shall be approved;

Fire Department Recommendation:

6. Prior to City Council approval of the Final Development Plan, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. In particular, the cul-de-sac design shall accommodate access for emergency vehicles;

Air Quality Recommendation:

7. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;





Building Inspection Division Recommendation:

8. **A building permit shall be obtained prior to any additional construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

Urban Planning Division Recommendations:

9. **The Planned Residential Development shall allow three residences with accessory structures on the property. Building permits may be issued for additions onto the three residences as approved within the Planned Residential Development when the total construction included in all building permits issued are less than twenty percent of the gross square footage of all structures;**
 10. **In conjunction with City Council approval of the Final Development Plan, the property shall be rezoned from General Agriculture District to Park Forest District; and,**
 11. **All provisions of the Park Forest District shall be met unless otherwise authorized. (8 to 0)**
69. **No. 01PD034 - Squirrelly Acres**

A request by Fisk Engineering for Ken Berglund to consider an application for a **Final Planned Residential Development** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), 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 northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, westerly along the 1/4 Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the 1/4 Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the 1/4 Section Line; Thence, easterly along said 1/4 Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said 1/4 Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins reviewed the request for the Final Planned Residential Development noting that staff recommends approval with stipulations.





Prairie Chicken moved, Wall seconded to recommend that the Final Planned Residential Development be approved with stipulations.

Wall asked how three houses were allowed to be built on one lot. Elkins explained that she believes that the homes were built in Pennington County before there were zoning regulations.

The motion carried unanimously to recommend that the Final Planned Residential Development be approved with the following stipulations:

Engineering Division Recommendations:

1. **Arrowhead Drainage Basin fees shall be paid prior to issuance of a building permit;**
2. **Prior to City Council approval, topographic information shall be submitted for review and approval;**
3. **Prior to City Council approval, a grading plan and a drainage plan shall be submitted to insure that all requirements of the Arrowhead Drainage Basin Plan are being met;**
4. **Prior to City Council approval, the applicant shall sign a maintenance agreement to provide maintenance of the private access easement as required by Section 16.20 of the Subdivision Regulations;**
5. **Prior to City Council approval, the access road shall be improved to a 20 foot wide graveled roadway or surety shall be posted for the improvement;**
6. **Prior to City Council approval, the Final Plat shall be approved;**

Fire Department Recommendation:

7. **Prior to City Council approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. In particular, the cul-de-sac design shall accommodate access for emergency vehicles;**

Air Quality Recommendation:

8. **An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**

Urban Planning Division Recommendations:

9. **Prior to City Council approval, the property shall be rezoned from General Agriculture District to Park Forest District;**
10. **All provisions of the Park Forest District shall be continually met unless otherwise authorized;**
11. **The Planned Residential Development shall allow a duplex or a single family residence to be located on Lot 3 and one single family residence on each of Lots 1 and 2; and,**
12. **The proposed development shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development. (8 to 0)**

70. **No. 01RZ024 - Squirrely Acres Subdivision**

A request by Fisk Land Surveying for Ken Berglund to consider an application for a Rezoning from General Agriculture District to Park Forest District on a tract of





land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), 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 northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the ¼ Section Line; Thence, westerly along the ¼ Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the ¼ Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins presented the request noting that staff recommends approval in conjunction with the Planned Development Designation.

Swedlund moved, Wall seconded, and carried unanimously to recommend that the Rezoning from General Agriculture District to Park Forest District be approved in conjunction with the Planned Development Designation. (8 to 0)

71. No. 01PL047 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Layout Plat** on Lot 4 of Squirrely Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

Elkins presented the request and reviewed the Layout Plat for Lot 4 noting that staff recommends approval with stipulations.

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

Engineering Division Recommendations:

- 1. Upon submittal of the Preliminary Plat, grading plans and topographic information shall be submitted for review and approval;**
- 2. Upon submittal of the Preliminary Plat, a complete drainage plan shall be submitted for review and approval. The drainage plan shall provide on-site**





- detention if flows exceed those approved in the Arrowhead Drainage Basin Development Plan;
3. Upon submittal of the Preliminary Plat, 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;
 4. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer shall be submitted showing the extension of water mains for review and approval;
 5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. A complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements;
 6. Prior to Final Plat approval by the Planning Commission, the access easement shall be improved to City standards and dedicated as right-of-way;
 7. Prior to Final Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division;

Fire Department Recommendations:

8. Upon submittal of the Preliminary Plat, 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;

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Medium Density Residential District with a Planned Residential Development;
 10. Prior to Final Plat approval by the City Council, a Special Exception shall be obtained to allow a cul-de-sac in excess of 1,200 feet in length and to waive the requirement that an intermediate turnaround shall be provided every 600 feet ;
 11. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
 12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.
72. No. 01PD035 - Squirrely Acres
A request by Fisk Engineering for Ken Berglund to consider an application for a **Planned Development Designation** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), 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 northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the ¼ Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet;





Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, more generally described as being located at 5501 Berglund Road.

73. No. 01RZ025 - Squirrely Acres Subdivision

A request by Fisk Land Surveying for Ken Berglund to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), 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 northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the ¼ Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, more generally described as being located at 5501 Berglund Road.

Elkins explained that Items 72 and 73 should be reviewed concurrently.

Elkins presented the request and reviewed the slides noting that staff has recommended approval of the Planned Development Designation and the Rezoning from General Agriculture District to Medium Density Residential District. Elkins stated that at this point in time the applicant does not have a plan but would like to get the zoning in place before they go to the expense of drawing up detailed plans for the property. Elkins further explained that if the Planned Development Designation is approved as part of this rezoning, then the applicant would need to bring the full development plan back before the Planning Commission and the City Council. Elkins added that there have been objections to these two requests and that there are people in the audience that wish to speak on this issue.

Mary Casey, area property owner, expressed objections to rezoning Lot 4 to Medium Density Residential.





Brandon Casey, area property owner, stated that he supports Park Forest zoning.

Additional discussion followed concerning land values, Park Forest zoning, the Future Land Use Plan, overall densities, buffers, and consistent zoning.

Pat Hall, representing the landowner, stated that the owner does not wish to do a drainage study but added that he wants to cooperate with the neighbors. Hall suggested adding a stipulation to the rezoning request that would restrict the owner to building no more than 12 high-end condominiums on this 7.2-acre tract of land.

Elkins stated that if this is the desire of the applicant, it is possible to add a stipulation in the Planned Development Designation to restrict Lot 4 to 12 condominium units.

Mary Casey, expressed concerns about the definition of "high-end". She added that single family dwelling seem to hold their value more than multi-family dwellings. Discussion followed concerning stipulations. Elkins advised that it would not be appropriate for this Planning Commission or City council to specify "high-end" and recommended that the Planning Commission specify that there be no more than 12 condominium dwelling units allowed on the property.

Kooiker expressed concerns that earlier Finck advised that the applicant did not have any plans for Lot 4 and now there is discussion of stipulating to a maximum of 12 condominium dwelling units.

Finck acknowledged Kooiker's concerns and stated again that this is the first that she had heard of any specific number of condominiums or apartments for Lot 4. Finck added that Fisk Engineering and the applicant have never sat down and discussed plans for Lot 4. Finck added that she believes that Pat Hall was trying to establish a compromise in order to progress with the project when he suggested 12 condominium units. Finck further added that with a reduced number of units on Lot 4 she does not anticipate any problems in terms of development or drainage on a 7-acre parcel.

Discussion followed concerning restrictive measures, Kirkwood Townhomes, re-sale values, compromising on the number of allowable dwelling units, changing zoning classifications, placing stipulations on rezoning requests, conflicting interests, the difficult in balancing those developer and property owner's rights, development plans for Lot 4, appropriate uses for a 7 acre parcel, and approval of a stipulation to restrict the number of dwelling units to a maximum of 12.

Swedlund moved, Wall seconded to recommend that the Planned Development Designation be approved in conjunction with the associated rezoning request with the stipulation that a maximum of 12 condominiums be allowed on said tract of land containing 7.2 acres; and, that the Rezoning from General Agriculture District to Medium Density Residential District be approved.

Kooiker expressed concerns with proceeding to vote on the stipulation that a maximum of 12 dwelling units be allowed on Lot 4 without knowing what the impact will be. Elkins stated that the maximum allowed in Medium Density Residential District is approximately 90, so allowing 12 dwelling units on 7.2 acres is a significant





protection. Elkins added that 48 dwelling units would be allowed on the property if it were zoned Low Density Residential. Elkins stated that 12 dwellings units is a very restrictive number.

Discussion followed concerning the process required to change a proposal or to rezone a piece of property. Elkins explained that due process requires that a request must go through the full hearing process.

Wall made a friendly amendment to the motion to approve the Planned Development Designation. Swedlund concurred with the change of “condominiums” to “dwelling units” in the stipulation of approval.

Kooiker expressed concerns that the applicant has not provided enough information concerning his development plans for Lot 4 and added that he plans to vote no on Items 72 and 73.

Jay Heezen expressed concerns about property values, development plans, and requested that the zoning be Park Forest rather than Medium Density Residential.

Discussion followed regarding the Future Land Use Plan and the public hearing process.

Finck stated that Fisk Engineering has been hired by the applicant to act on his behalf concerning engineering issues. Finck added that Pat Hall is the applicant's agent and acts on his behalf concerning development issues and is trying to help move this project forward. Finck wanted to assure the Planning Commission that the applicant did not have a specific plan regarding Lot 4 and that it is not in his best interest to create a subterfuge here as it creates questions and animosity. Finck explained that this a compromise issue and that the applicant is not trying to hide or cover up anything.

The motion carried to recommend that the Planned Development Designation be approved in conjunction with the associated rezoning request with the stipulation that a maximum of 12 dwelling units be allowed on said tract of land containing 7.2 acres; and, that the Rezoning from General Agriculture District to Medium Density Residential District be approved. (6 to 2 with Hoffman and Kooiker voting no)

74. No. 01TI001 - Section 33, T2N, R8E and Section 4, T1N, R8E

A request by Doyle Estes to consider an application for a **Resolution Creating Tax Increment District #31** on NE1/4 of Section 33, T2N, R8E; Balance of the NW1/4 NW1/4 and S1/2 NW1/4 of Section 33, T2N, R8E; SE1/4 of Section 33, T2N, R8E, all located in BHM, Rapid City, Pennington County, South Dakota; Government Lots 1 and 2, Section 4, T1N, R8E; S1/2 NE1/4 less Rushmore Regional Industrial Park, Section 4, T1N, R8E; and Lots 2 and 3 of Block 4, Lots A and B of Lot 1R, Block 4 and Lots 1 and 2, Block 3, Rushmore Regional Industrial Park, Section 4, T1N, R8E; Elk Vale Road right-of-way (including all H Lots) located in Section 4, T1N, R8E; and that portion of the SE1/4 of Section 4, T1N, R8E lying south of Elk Vale Road, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road south of Interstate 90.





Elkins presented the request for a Resolution creating Tax Increment District #31 and the Tax Increment Financing Committee's recommendation to approve the creation of the district.

Additional discussion followed concerning new jobs created by the Children's Home facility, funding, safety and drainage issues in Rapid Valley.

Swedlund left the meeting at 9:00 a.m.

Wall moved, Kooiker seconded, and carried unanimously to approval of Resolution creating Tax Increment District #31. (7 to 0)

75. No. 01TI002 - Section 33, T2N, R8E and Section 4, T1N, R8E

A request by Doyle Estes to consider **Tax Increment District #31 Project Plan** on NE1/4 of Section 33, T2N, R8E; Balance of the NW1/4 NW1/4 and S1/2 NW1/4 of Section 33, T2N, R8E; SE1/4 of Section 33, T2N, R8E, all located in BHM, Rapid City, Pennington County, South Dakota; Government Lots 1 and 2, Section 4, T1N, R8E; S1/2 NE1/4 less Rushmore Regional Industrial Park, Section 4, T1N, R8E; and Lots 2 and 3 of Block 4, Lots A and B of Lot 1R, Block 4 and Lots 1 and 2, Block 3, Rushmore Regional Industrial Park, Section 4, T1N, R8E; Elk Vale Road right-of-way (including all H Lots) located in Section 4, T1N, R8E; and that portion of the SE1/4 of Section 4, T1N, R8E lying south of Elk Vale Road, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road north of Rushmore Regional Industrial Park.

Elkins presented the Project Plan for Tax Increment District #31. Elkins explained that \$250,000 is for the design and construction of the drainage pipe and the other \$250,000 is for the detention cell upstream. Elkins further explained that the applicant, Doyle Estes, is responsible for the shortfall if the revenues do not come in. Elkins stated that he is required to find the financing for the shortfall. Elkins noted that the Tax Increment Financing Review Committee has reviewed the request and recommended that the Planning Commission recommend approval of the Tax Increment District #31 Project Plan and resolution.

Prairie Chicken moved, Stone seconded and carried unanimously to recommend that the Tax Increment District #31 Project Plan and resolution be approved.

7. No. 01CA015 - Old Rodeo Subdivision

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for an **Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan to change the future land use designation from Planned Residential Development with 1 dwelling unit per acre to General Commercial with a Planned Commercial Development, Planned Residential Development with 4 dwelling units per acre and Office Commercial with a Planned Commercial Development** on Lot 1 of Old Rodeo Subdivision located in N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 1 located in SW1/4 NW1/4, NW1/4 SW1/4, SE1/4 NW1/4 and NE1/4 SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South





Dakota; and the unplatted balance of S1/2 of SE1/4 of NW1/4 and unplatted balance of NE1/4 of SW1/4 of Section 26, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of U.S. Highway 16 and Catron Boulevard.

Emerson presented the requests for Items 7, 8, and 9 and reviewed the revised staff reports for Items 8 and 9. Emerson stated that the applicant plans to proceed with the original proposal as identified on the South Robbinsdale Future Land Use map, which shows the collector road on the east side of their property. Emerson added that the applicant has revised the site plan by shifting the building, reconfiguring future expansion, reconfiguring the parking area and changing the road alignment so that it works on the property. Emerson stated that staff feel that the applicant has supplied sufficient information concerning the revised site plan and recommend approval of Initial and Final Planned Commercial Development and a Preliminary and Final Plat with stipulations.

Discussion followed concerning continuing the Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan to the July 26, 2001 Planning Commission Meeting.

Kooiker moved, Mashek seconded, and carried unanimously to recommend that the Amendment to the South Robbinsdale Neighborhood Area Comprehensive Plan to change the future land use designation from Planned Residential Development with 1 dwelling unit per acre to General Commercial with a Planned Commercial Development, Planned Residential Development with 4 dwelling units per acre and Office Commercial with a Planned Commercial Development be continued to the July 26, 2001 Planning Commission meeting. (7 to 0)

8. No. 01PD036 - Old Rodeo Subdivision

A request by Renner & Sperlich Engineering for D&V LLC Medical Office Building to consider an application for an **Initial and Final Planned Commercial Development** on a portion of Lot 1 of Old Rodeo Subdivision, located in the NW1/4 SW1/4, and the NE1/4 SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeast corner of said Lot 1 of Old Rodeo Subdivision; Thence, N00°42'15"W, along the easterly boundary of said Lot 1, a distance of 402.55 feet, to the Point of Beginning; Thence, first course: S72°52'00"W, a distance of 279.33 feet to the point of curve; Thence, second course: northwesterly, curving to the right on a curve with a radius of 15.67 feet, a delta angle of 90°00'00", a length of 24.61 feet, a chord bearing of N62°08'00"W, and a chord distance of 22.61 feet, to the point of tangency; Thence, third course: N17°08'00"W, a distance of 150.62 feet to the point of curve; Thence, fourth course: northwesterly, curving to the right on a curve with a radius of 300.00 feet, a delta angle of 24°29'29", a length of 128.24 feet, a chord bearing of N04°53'16"W, and a chord distance of 127.26 feet, to the point of tangency; Thence, fifth course: N07°21'29"E, a distance of 64.80 feet; Thence, sixth course: N89°17'45"E, a distance of 330.18 feet, to a point on the easterly boundary of said Lot 1; Thence, seventh course: S00°42'15"E, along the easterly boundary of said Lot 1, a distance of 267.15 feet, to the point of Beginning; Said Parcel contains 101,554





square feet or 2.331 acres more or less, more generally described as being located one quarter mile south of South Highway 16 and Catron Boulevard.

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

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, the applicant shall submit revised grading and drainage plans;
2. Prior to issuance of a Building Permit, the applicant shall submit revised engineering plans for review and approval. The revised engineering plans shall include all street and regulatory signs, street light locations, pavement design, typical street section, and a traffic control plan for the construction of the improvements;
3. Prior to issuance of a Building Permit, complete engineering plans for the extension of water and sanitary sewer shall be submitted for review and approval;
4. Prior to issuance of a Certificate of Occupancy, all utility infrastructure shall be completed and the building shall be connected to all utilities;

Fire Department Recommendations:

5. Prior to issuance of a Certificate of Occupancy, the applicant shall post the address of the building on the entrance sign and with twelve-inch (12") numbers on the building;
6. Prior to issuance of the Building Permit, one (1) on-site fire hydrant shall be identified on the site plan. The location of the fire hydrant shall be coordinated with the Fire Department;

Air Quality Division Recommendations:

7. Prior to any construction or grading, an air quality permit shall be obtained;

Urban Planning Division Recommendations:

8. Prior to issuance of a Building Permit, the applicant shall revise the parking plan to identify handicap accessible parking spaces in accordance with Section 17.50.270.H of the Rapid City Municipal Code;
9. Approval of the Final Development plan shall include only the property identified as part of Lot 2 of Old Rodeo Subdivision;
10. The use of Lot 2 of Old Rodeo Subdivision shall be limited to medical offices. Any change in use of Lot 2 of Old Rodeo Subdivision shall require approval of a Major Amendment to the Planned Commercial Development;
11. No billboards shall be permitted in the area identified as Lot 2 of Old Rodeo Subdivision of the Planned Commercial Development. Any additional off-premise signs shall be exclusively for the identification of other businesses located within the Planned Commercial Development;
12. Prior to issuance of a Building Permit; the applicant shall provide a revised landscape plan identifying a landscape buffer along the east property line. The landscape buffer shall consist of evergreen and deciduous trees and shrubs and berming shall be a component of the landscape buffer;





13. All trash receptacles, mechanical and air handling equipment shall be screened by a six-foot high wood fence;
14. All lighting shall be directed away from the future residential development to the east; and,
15. All development of Lot 2 of Old Rodeo Subdivision shall be built in accordance with the building elevations as submitted. Any significant change as determined by the Planning Director will require a Major Amendment to the Planned Commercial Development. (7 to 0)

9. No. 01PL033 - Old Rodeo Subdivision

A request by Renner & Sperlich Engineering for Gustafson Builders to consider an application for a **Preliminary and Final Plat** on Lot 2 of Old Rodeo Subdivision located in the N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located one quarter mile south of South Highway 16 and Catron Boulevard.

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

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall provide complete engineering plans for the extension of the north/south collector street;

Fire Department Recommendations:

2. Prior to Final Plat approval by the City Council, the applicant shall identify a temporary turnaround at the northern terminus of north/south collector street;

Transportation Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, the plat shall be revised to dedicate a non-access easement where this property abuts the north/south collector street;

Urban Planning Division Recommendations:

4. Prior to Final Plat approval by the City Council the petitioner shall have submitted a subdivision improvement estimates form for approval by the Engineering Division, and shall have paid the required Subdivision Inspection fees; and,
5. Prior to Final Plat approval by the City Council, the petitioner shall have posted financial surety in a form to be approved by the City Attorney for any incomplete subdivision improvements. (7 to 0)

Wall thanked the staff and applicant for all of their hard work in getting the revisions completed by today's meeting.

62. No. 01UR034 - Meadowwood Subdivision and Pine Hills Subdivision

A request by Harland Danielsen to consider an application for a **Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility** on Lot 8 of Tract "B" of SW1/4 NE1/4; Lot 2 of Tract E of SE1/4 NW1/4 of Meadowwood





Subdivision and Lot 3 of Lot 88A of Pine Hills Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4095 Sturgis Road.

Seaman presented the request and reviewed the slides noting that staff recommends that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to provide additional required information and obtain the required variances.

Angela Colbath, appearing on behalf of the applicant, reviewed the applicant's plans and the variances requested from the Zoning Board of Adjustment. Discussion followed concerning time constraints, lighting for the stage area, the number of required parking spaces, security, motorcycle parking, neighbors, temporary use, and the proposed evening concert. Colbath asked that the Planning Commission to recommend approval of this Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility noting that the Sturgis Motorcycle is approximately 2 ½ weeks away. Colbath explained that the applicant needs to be able to proceed with finalizing the project plans if he is going to have the concert during the motorcycle rally.

Wall stated that he understands the time constraints involved in this request but expressed concerns about approving the Use on Review without knowing whether the Zoning Board of Adjustment will approve the variances.

Wall moved, Kooiker seconded and carried unanimously to recommend that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the July 26, 2001 Planning Commission meeting to allow the applicant time to provide additional required information and obtain the required variances. (7 to 0)

76. Discussion Items
None.

77. Staff Items

Sign Code Board of Appeals: Elkins asked for a volunteer to be the Planning Commission representative on the Sign Code Board of Appeals to replace Pam Lang. Kooiker expressed interest in the position.

Discussion followed concerning time requirements. Elkins stated that the Sign Code Board meets the third Wednesday of every month at 7:00 a.m.

Wall moved, Mashek seconded and carried unanimously to recommend that Sam Kooiker be appointed to the Sign Code Board of Appeals. (6 to 0)

Planning Commission Training Session: Elkins suggested scheduling a training session from 11:30 to 1:15 after July 24, 2001. Discussion followed concerning July 27, 2001 and any conflicts. Elkins advised that staff would email Planning Commission members concerning the time and location of the training session next week.





78. Planning Commission Items
None.

79. Committee Reports
None

There being no further business Wall moved, Mashek seconded and unanimously carried to adjourn the meeting at 9:27 a.m. (7 to 0)

