

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 6, 2001

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

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Bill Lass, Lisa Seaman, Bill Knight, Rich Wells, Dave Johnson, Randy Nelson, and Nadine Bauer.

Chairperson Wevik called the meeting to order at 7:03 a.m.

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

Wall requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Stone moved, Wall seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 14 with the exception of Item 6. (7-0)

1. Approval of the August 23, 2001 Planning Commission Meeting Minutes.
2. No. 01PL068 - Blake's Addition
A request by Fisk Engineering for Ernest Barton to consider an application for a **Preliminary and Final Plat** on Lot 31R and Lot 33R in Block 9 of Blake's Addition formerly all of Lots 31 through 34 in Block 9 of Blake's Addition, located in the SW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 and 232 East New York Street.

Planning Commission recommended 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, construction plans for the Milwaukee Street sidewalk shall be submitted for review and approval;**

Urban Planning Division Recommendations:

2. **Prior to Final Plat approval by the City Council, the subdivision improvement estimate form shall be provided for review and approval and the subdivision inspection fees shall be paid; and,**
3. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be**

posted.

3. No. 01CA023 - Comprehensive Plan Amendment - Amendment to the Major Street Plan – Summary of Adoption Action

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. No. 01CA024 – Comprehensive Plan Amendment - Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan – Summary of Adoption Action

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

5. No. 01CA025 – Comprehensive Plan Amendment - Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan – Summary of Adoption Action

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

7. No. 01PL072 - Northstar Industrial Park Subdivision

A request by Centerline Inc. for Heartland Development Group LLC to consider an application for a **Layout and Preliminary Plat** on Lots 1 thru 10 and Drainage Lot 11 in Block 1 and Lots 1 thru 12 in Block 2 of Northstar Industrial Park Subdivision located in the NE1/4 of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Seger Drive and Dyess Avenue intersection.

Planning Commission recommended that the Layout and Preliminary Plat be continued to the September 20, 2001 Planning Commission meeting.

8. No. 01PL078 - Homestead Subdivision

A request by Doug Sperlich for Tom Farrar to consider an application for a **Layout Plat** on Lots 1-8 of Block 1; Lots 1-6 of Block 2; Lots 1-8 of Block 3; Lots 1-17 of Block 4; Lots 1-23 of Block 5; Lots 1-20 of Block 6; Lots 1-18 of Block 7, Lots 1-8 of Block 8, Lots 1-12 of Block 9 all located in Homestead Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of East Fifty-Third Street and Meadowridge Drive.

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

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, a revised drainage plan shall be submitted for review and approval;
2. Upon submittal of the Preliminary Plat, sewer plans prepared by a

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- Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
3. 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;
 4. Upon submittal of the Preliminary Plat, a revised utility plan shall be submitted for review and approval reflective of the increase in density on the subject property;
 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. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements. In addition, temporary turnarounds shall be provided at the end of the proposed roads located in the northwest, northeast and southwest corners of the property, respectively;
 6. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Reservoir Road. In addition, a non-access easement must be shown along Homestead Street except for approved approach location(s);
 7. Prior to Final Plat approval by the City Council, the drainage lot and/or major drainage easements shall be shown on the plat as required by the Engineering Division;
 8. Prior to Final Plat approval by the City Council, the applicant shall submit a copy of a road maintenance agreement;

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;

Rapid Valley Sanitary District Recommendation:

10. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall meet with the Rapid Valley Sanitary District for a pre-construction meeting;

Emergency Services Communication Center Recommendation:

11. Upon submittal of the Preliminary Plat, road names for the unnamed streets located within the proposed subdivision shall be submitted for review and approval. In addition, the plat shall be revised to correctly identify the street names;

Urban Planning Division Recommendations:

12. Upon submittal of the Preliminary Plat, a phasing plan shall be submitted for review and approval;

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13. Prior to Final Plat approval, the property shall be rezoned to meet the minimum lot size of the Pennington County Zoning Ordinance or a variance shall be obtained waiving the lot size requirement;
 14. Prior to Final Plat approval, the plat shall be revised to show a ten foot wide planting screen easement along Reservoir Road;
 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.
10. No. 01PL086 - Miracle Pines Subdivision
A request by Mark Kirkeby for Robert and Willowdean Stephens to consider an application for a **Layout Plat** on Lot 6, Miracle Pines Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3960 Corral Drive.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the Planning Commission, topographic information and a drainage plan shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide documentation regarding the suitability of the proposed lots for on-site waste water facilities. A site plan shall be provided identifying the location of all wells on the property and within one hundred fifty feet of the property and the location of the proposed on-site waste water facilities. Two locations for on-site waste water facilities shall be identified on the eastern lot and the existing on-site waste water facility and one additional location shall be identified for the western lot;
3. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide plans for the connection to City water service for both lots;
4. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall identify the locations of the access points for both lots for review and approval. A non-access easement shall be identified for the frontage of Corral Drive except for the approved approach locations;

Fire Department Recommendations:

5. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a wildland hazard mitigation plan for review and approval;

Transportation Planning Division Recommendations:

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6. Prior to Final Plat approval by the City Council, the applicant shall dedicate an additional seventeen feet of right-of-way for Corral Drive,

Urban Planning Division Recommendations:

7. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide complete engineering plans for sidewalks, curb, gutter, and sanitary sewer for Corral Drive or enter into an agreement for a future assessment project;
 8. Prior to Final Plat approval by the City Council, the subdivision improvement estimate form shall be submitted for review and approval and the subdivision inspection fees shall be paid; and,
 9. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.
11. No. 01AN016 - Section 32, T2N, R8E and Section 5, T1N, R8E
A request by City of Rapid City to consider an application for a **Petition for Annexation** on Lot H1, Lot H2, Old Highway as shown on Plat of Lots 1 & 2, Lot H1 of Lots 7 & 8, Lot H1 of Lots 3,4,5, & 6, Lot H1 of Lot B of Lot 1, and Lot 2, all located in the NW1/4 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Lot H1, Lot H1 of Tract B, Lot H1 of Tract A all located in the SW1/4 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Cambell Street ROW lying in the W1/2 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Lot H1 of Lot A, NW1/4 NW1/4 Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and Cambell Street ROW lying in the NW1/4 NW1/4 Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of E. Cambell Street and north of S.D. Highway 44 East.

Planning Commission recommended that the Petition for Annexation be approved.

12. No. 01PL089 - Big Sky Subdivision - Phase VI
A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the current northern terminus of South Pitch Drive.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, a revised water

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- and sewer plan shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show the "Access and Drainage Easement" located between Lots 7 and 8 of Block 4 as a "Drainage Easement" or road construction plans for the access easement shall be submitted for review and approval;
 4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
 5. Prior to Final Plat approval by the City Council, the plat shall be revised to preclude utility easements from any of the Major Drainage Easements;
 6. Prior to Final Plat approval by the City Council, the applicant shall submit a copy of a road maintenance agreement for review and approval. The agreement shall be recorded with the Final Plat;

Rapid Valley Sanitary District Recommendation:

7. Prior to Final Plat approval by the City Council, the water and sewer services shall be built to Rapid Valley Sanitary District standards or surety shall be posted for the improvement;

Urban Planning Division Recommendations:

8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid;
 9. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted; and,
 10. Prior to Final Plat approval by the City Council, the applicant shall sign an annexation agreement.
13. No. 01PL090 - Red Rock Estates - Phase 1A
A request by Dream Design International to consider an application for a **Final Plat** on Lots 3A, 3B, 4A and 4B, being a subdivision of Lots 3 and 4, Block 6 of Red Rock Estates Phase 1A, located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Prestwick Drive and Muirfield Drive.

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

Urban Planning Division Recommendations:

1. Prior to Final Plat approval by the City Council, the plat shall be revised to retain an exterior six (6) foot maintenance easement on both sides of the lot line adjacent to the common wall of the dwelling units; and,
2. Prior to Final Plat approval by the City Council, the plat shall be revised

eliminating the building envelopes.

14. No. 01PL091 - Park Hill East Subdivision

A request by Cetec Engineering for Park Hill Development to consider an application for a **Layout Plat** on unplatted portion of S1/2 of NE1/4 and N1/2 of SE1/4, Park Hill East Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Wilma Street, Oakland Street and Hoefer Avenue.

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

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, a revised drainage plan shall be submitted for review and approval;
2. 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;
3. 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;
4. 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. In addition, a temporary turnaround shall be provided at the southern end of Oakland Street;
5. Prior to Final Plat approval by the City Council, major drainage easements shall be shown on the plat as required by the Engineering Division;

Fire Department Recommendations:

6. 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;

South Dakota Department of Transportation Recommendation:

7. Prior to Final Plat approval by the City Council, an Approach Permit to allow for the expansion of use on Sydney Street shall be obtained. In addition, any improvements to the Sydney Street/Campbell Street intersection as determined by the South Dakota Department of Transportation shall be completed;

Emergency Services Communication Center Recommendation:

8. Upon submittal of the Preliminary Plat, a revised road name for "Smith

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Drive” shall be submitted for review and approval. In addition, road names for each of the proposed streets within the subdivision shall be submitted for review and approval;

Register of Deed’s Office Recommendation:

- 9. Upon submittal of the Preliminary Plat, a revised subdivision name shall be submitted for review and approval;**

Urban Planning Division Recommendations:

- 10. Upon submittal of the Preliminary Plat, a phasing plan shall be submitted for review and approval;**
- 11. Upon submittal of the Preliminary Plat, Wilma Street right-of-way shall be vacated or road construction plans shall be submitted for the road and the plat shall be revised to maintain the minimum separation requirement(s) between intersections;**
- 12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
- 13. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

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

6. No. 01AN012 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Resolution of Annexation** on Tract C of SW1/4 SW1/4, Lot 3-4 of NW1/4 SW1/4 and vacated Alley less RTY, Unplatted portion of NW1/4 SW1/4, east 613 feet of the north 511 feet of SW1/4 SW1/4, E1/2 SE1/4 SW1/4, NW1/4 SE1/4 SW1/4, Tract B of SW1/4 SW1/4 less RTY, SW1/4 SE1/4 SW1/4, all located within Section 32, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of SD Highway East, east of Cambell Street and south of US Highway 16.

Wall advised that the legal description did not appear to be complete on Item 6. Elkins advised that the legal would be corrected to indicate north of SD Highway 44 East prior to the next City Council Meeting.

Wall moved, Swedlund seconded and carried unanimously to recommend approval of the Resolution of Annexation. (7-0)

Elkins advised that a member of the audience requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration. Elkins suggested that the Planning Commission reconsider their motion to approve the Non-Hearing Consent Agenda Items 1-14 with the exception of Item 6.

Wall moved, Stone seconded and carried unanimously to recommend that the Planning Commission reconsider approval of the Non-Hearing Consent Agenda. (7-0)

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Wall moved, Mashek seconded and carried unanimously to recommend approval of the Non-hearing Consent Agenda Items 1 through 14 with the exception of Items 6 and 9. (7-0)

9. No. 01PL085 - Parkridge Village Subdivision No. 2

A request by Doug Sperlich for Larry Lewis to consider an application for a **Final Plat** on Lots A & B of Lot 3 of Block 1 of Parkridge Village Subdivision No. 2 (formerly a portion of the unplatted balance of the NW1/4 of the NE1/4) located in NW1/4 of the NE1/4 Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Park Drive south of the intersection of Park Drive and Westridge Road.

Doug Sperlich requested that the Engineering Division revise stipulation 1 concerning one shared approach for the two lots. Sperlich advised that at this time they do not know if the garages are going to be on the outside of the building or on the shared lot line. Sperlich stated that stipulation 1 requires that the garages be put in the center.

Dave Johnson, Engineering Division, stated that based on his conversation with Sperlich concerning the owner's plans, the garage location and shared lot line, the Engineering Division would support recommending that stipulation 1 be revised to state that "Prior to City Council approval, approach locations for the lots shall be identified and non-access easements shall be identified along all street frontages accept for approved approach locations".

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

Engineering Division Recommendations:

1. **Prior to City Council approval, approach locations for the lots shall be identified and non-access easements shall be identified along all street frontages accept for approved approach locations; and,**

Urban Planning Division Recommendations:

2. **Prior to City Council approval, the plat shall be revised to retain an exterior six foot (6') maintenance easement on both sides of the common lot line. (7 to 0)**

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

Staff requested that Item 19 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Swedlund seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 15 through 25 with the exception of Item 19. (7 to 0)

15. No. 01UR037 – Nicholl's Subdivision

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

Planning Commission recommended that the Use on Review be continued to the October 4, 2001 Planning Commission meeting to allow the applicant time to submit additional required information.

16. No. 01RZ042 – Section 24, T1N, R7E

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

Planning Commission recommended that the Rezoning be continued to the October 4, 2001 Planning Commission meeting in order to be heard in

conjunction with the associated Comprehensive Plan Amendment at the applicant's request.

17. No. 01PD042 – Section 24, T1N, R7E

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

Planning Commission recommended that the Planned Development Designation be continued to the October 4, 2001 Planning Commission meeting at the applicant's request.

18. No. 01CA020 – Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan From Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-

quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along said northerly right of way line, 50.86 feet to the true point of beginning; Thence N88°35'39"W along said northerly right-of-way line, 350 feet; Thence departing said right of way N1°24'21"E 275 feet; Thence S88°35'39"E 346.06 feet to where said line intersects the westerly right of way of proposed Fifth Street; Thence S00°45'07"W 274.85 feet more or less to the point of beginning containing 2.20 acres more or less; **From Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 400.86 feet this being the point of beginning; Thence N88°35'39"W along said northerly right of way 919.13 feet; Thence departing said northerly right of way line N1°24'21"E 275 feet; Thence S88°35'39"E 919.13 feet; Thence S1°24'21"W 275 feet to the point of beginning containing 5.80 acres more or less; **From Planned Residential Development with a maximum density of 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 1320 feet to where said right of way meets the north south 1/16 line of the SE1/4 of said Section 24 this being the true point of beginning; thence along the said right of way N88°35'39"W 439.87 feet; Thence departing the north right of way N01°24'21"E 1245 feet to a point lying on the east west 1/16 line; Thence S88°35'39"E along said 1/16 line 677.62 feet; Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'30"E 405.16 feet; Thence S49°37'01"E 52.92 feet to a point on a curve with a radius of 567 feet; thence along said curve to the right an arc length of 258.44 feet with a chord bearing of S30°36'54"E 256.21 feet Thence S1°24'21"W 244.35 feet; Thence N88°35'39"W 919.13 feet to a point on the north south 1/16 line; Thence S01°24'21"W 275 feet along said 1/16 line to the point of beginning containing 28.28 acres more or less; and, **From Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N00°45'07"E 274.85 feet this being the true point of beginning; Thence N88°35'39"W 348.88 feet; Thence N1°24'21"E 244.35 feet to where it intersects a curve with a radius of 567 feet; thence along said curve to the left an arc length of 258.44 feet and a chord bearing of N30°36'54"W 256.21 feet; Thence N49°37'01"E 350.36 feet to where said line

intersects the south westerly right of way of proposed Fifth Street a curve with a radius of 917 feet; Thence along said curve to the right an arc length of 438 feet with a chord bearing of S28°44'00"E 433.85 feet; Thence S00°45'07"W along said proposed Fifth Street right of way 319.88 feet to the point of beginning containing 5.03 acres more or less, more generally described as being located north of Catron Boulevard lying adjacent to the future right-of-way line of Fifth Street and Parkview Drive.

Planning Commission recommended that the Amendment to the Future Land Use Designation in the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan From Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be continued to the October 4, 2001 Planning Commission meeting at the applicant's request.

20. No. 01UR046 – Canyon Lake Heights Subdivision

A request by Randy and Bobbie Greenway to consider an application for a **Use On Review to allow a private residential garage in excess of 1000 square feet in the Low Density Residential Zoning District** on Lot 3R Revised and Lot 4R Revision #2, Block 5, Canyon Lake Heights Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

Planning Commission recommended that the Use On Review to allow a private residential garage in excess of 1000 square feet in the Low Density Residential Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location of a maximum of twenty foot wide paved approach on Falls Drive;

Building Inspection Department Recommendations:

2. A building permit shall be obtained prior to any construction and a Certificate of Completion shall be obtained prior to occupancy;
3. That prior to issuance of a Certificate of Completion, the applicant shall pave the first fifty feet of the driveway from the street or curb line;

Urban Planning Division Recommendations:

4. That no plumbing shall be allowed in the garage;
5. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and,
6. That the garage shall be constructed of the same materials and stained the same color as the existing residence.

21. No. 01RZ051 – Section 7, T1N, R8E

A request by D.C. Scott Co. for Paul Bradsky to consider an application for a **Rezoning from General Commercial District and Medium Density Residential District to Light Industrial District** on property being 0.52 acre of land located in the NE1/4 SE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; said 0.52 acre of land being more particularly described by metes and bounds as follows: BEGINNING at the southwest corner of Lot 4 of Polar Bear Subdivision, as shown on survey plat recorded in Plat Book 28, Page 69 in the office of the Pennington County Register of Deeds; Thence South 89°56'58" East along the south line of said Lot 4 of Polar Bear Subdivision, a distance of 450.28 feet to the southeast corner of said Lot 4 of Polar Bear Subdivision on the west right-of-way line of South Dakota Highway 79; Thence South 00°09'00" East, along said west right-of-way line of South Dakota Highway 79, a distance of 50.00 feet to the northeast corner of a certain tract of land described in deed recorded in Book 111, Page 249 in the office of the Pennington County Register of Deeds; Thence North 89°56'58" West, along the north line of said tract of land, a distance of 450.36 feet to a point for corner; Thence North 00°03'38" West, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.52 acres of land, more or less, more generally described as being located on Highway 79 south of Sydney Drive.

Planning Commission recommended that the Rezoning from General Commercial District and Medium Density Residential District to Light Industrial District be approved.

22. No. 01UR048 – E.E. Taylor Tract

A request by Ed and Julie Hericks to consider an application for a **Use On Review to allow a garage(s) in excess of 1000 square feet in the Medium Density Residential Zoning District** on Lot 2 of Lot A, Lot 3 of Lot A less the south 20' and Lot A of Lot 4 of Lot A, E.E. Taylor Tract, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4950 Berry Pine Heights Drive.

Planning Commission recommended that the Use On Review to allow a garage(s) in excess of 1000 square feet in the Medium Density Residential Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location of the existing septic system and documentation shall be provided identifying that the existing septic system is adequate for the residential use of the property;**

Building Inspection Department Recommendations:

2. **Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;**

Urban Planning Division Recommendations:

3. That no plumbing shall be allowed in the garage;
4. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and,
5. That the garage shall be constructed of the same materials and painted the same color as the existing residence.

23. **No. 01PL088 – Buffalo Ridge Subdivision**

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

Planning Commission recommended that the Final Plat be continued to the September 20, 2001 Planning Commission meeting to allow the item to be heard in conjunction with the associated Preliminary Plat.

24. **No. 01SV025 – Buffalo Ridge Subdivision**

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, street light conduit, water and sewer for Reservoir Road be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 thru 18, Buffalo Ridge Subdivision shall be signed; and,

Pennington County Highway Department Recommendation:

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

25. No. 01CA030 – Comprehensive Plan Amendment

A request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment – Amendment to the Major Street Plan** for the proposed realignment of several collector and arterial roads located in Sections 20, 21, 27, 28, 29, 30, 32, 33 of Township 1 North, Range 7 East, Black Hills Meridian, Pennington County, South Dakota, more generally described as being located in southwest Rapid City and the surrounding area.

Planning Commission recommended that the Comprehensive Plan Amendment – Amendment to the Major Street Plan be approved.

19. No. 01UR041 – Kepp Heights

A request by Remodel King for W. Angela Wessel 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 1, Block 3, Kepp Heights, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 Highland Park Drive.

Discussion followed concerning previous and current problems related to soil saturation during construction and geotechnical data for the garage site. Elkins advised that staff recommends that stipulation 7 be revised to read, "That during construction, best construction practices shall be observed to avoid saturation of the construction area and the foundation".

Wall moved, Prairie Chicken seconded and carried to recommend that the 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:

Fire Department Recommendations:

1. Prior to issuance of a Building Permit, a wildland fire mitigation plan shall be submitted for review and approval;
2. That the existing driveway and the 43 foot wide emergency vehicle turnaround shall be continually maintained with an all weather surface;
3. That no parking shall be allowed in the emergency vehicle turnaround area;

Building Inspection Department Recommendations:

4. Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;

Urban Planning Division Recommendations:

5. That no plumbing shall be allowed in the garage; and,
6. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and,

Draft

- 7. That during construction, best construction practices shall be observed to avoid saturation of the construction area and the foundation. (6 to 0 with Swedlund abstaining)**

---BEGINNING OF REGULAR AGENDA ITEMS---

26. No. 01PL087 - Dunham Subdivision

A request by George & Nancy Dunham to consider an application for a **Layout Plat** on Lots 1-4, Block 1, Lots 1-10, Block 2, Lots 1-14, Block 3, Lots 1-11, Block 4, Lots 1-10, Block 5, Lots 1-15, Block 6, Lots 1-15, Block 7, Lots 1-7, Block 8, Dunham Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the current terminus of Palmer Drive, west of the current terminus of Meadowbrook Drive and north of the current terminus of Severson Street.

Emerson presented the request and reviewed staff's recommendation.

Discussion followed concerning the applicant's development plans, the street network, cul-de-sacs, the proposed park, center landscape islands, the proposed off-set intersection located at the southern portion of the collect street. Emerson advised that staff does not support the offset intersection but does support the applicant's efforts to implement traffic calming facilities in this development.

Additional discussion followed concerning the collector street that connects Corral Drive to Nicklaus Drive through the subject property. Emerson advised that the applicant might submit a revised Layout Plat to realign the proposed north/south street. Emerson discussed separation distances between intersections, the proposed street name, and eliminating discontinuous street names. He added that Staff is recommending that the street name for the collector street be Palmer Drive.

Discussion followed concerning the location of on-site fire hydrants. Emerson stated that the Fire Department wants to make sure that fire mains and fire hydrants are in before any major construction occurs. In response to a question by Wevik, Emerson advised that the Fire Department's recommendations 8 thru 10 still apply. Emerson explained that single family dwellings are exempt from having fire hydrants within 150' of the structure.

Wevik questioned stipulation 7 and the location of the unplatted property. Emerson stated that there is a typographical error in stipulation 7 and that the unplatted property is located to the west of the subject property. Emerson further explained that by moving the street providing access to the unplatted property to the west a minimum of one hundred feet from the south property line of the Parkridge Village development, this would eliminate double frontage lots as part of the existing lots in the Parkridge Village development. Emerson advised that the applicant is agreeable to this stipulation.

Swedlund expressed concerns about roundabouts and access to lot 7. Swedlund commented that he feels that center medians are a better traffic

calming technique. In response to a question by Swedlund, Emerson explained the location of the section line highway and access to lot 7.

Discussion followed concerning the development plans for a park area for the residents of the development, Planned Residential Development designations and the options that are available to the applicant.

Wall commented that he is excited about the development plans and is pleased with the developer's proposed traffic calming techniques.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the Planning Commission, complete engineering plans and related information as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, a geotechnical report shall be submitted for the subject property;
3. Prior to Preliminary Plat approval by the Planning Commission, a detailed topographic survey shall be provided;
4. Prior to Preliminary Plat approval by the Planning Commission, a complete drainage report shall be provided including a design for the detention facility(s);
5. Prior to Preliminary Plat approval by the Planning Commission, a complete grading plan shall be provided including provisions for lot line drainage;
6. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a design for any pressure sewer system that may be needed;
7. The street providing access to the unplatted property to the west shall be moved to be a minimum of one hundred feet from the south property line of the Parkridge Village development;

Fire Department Recommendations:

8. Prior to Preliminary Plat approval by the Planning Commission, plans shall be submitted showing the proposed location of water lines and fire hydrants;
9. Prior to Final Plat approval by the City Council, that all requirements of the Uniform Fire Code shall be met;
10. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall delineate an emergency temporary turnaround at the end of all streets;

Transportation Planning Division:

11. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a revised master plan eliminating the off-set

intersection for Severson Street/Palmer Drive;

Urban Planning Division Recommendations:

12. Prior to Final Plat approval by the City Council, all lots shall meet the width to length requirements of the Subdivision Regulations or a Subdivision Variance shall be obtained;
13. Prior to Final Plat approval by the City Council, sidewalks shall be provided on both sides of all streets or a Subdivision Variance shall be obtained;
14. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential;
15. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,
16. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted;

Air Quality Division Recommendations:

17. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit. (7 to 0)

27. **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 explained that the applicant has not provided a revised landscaping plan and the Zoning Board of Adjustment has not taken action on the applicant's variance requests. Staff is recommending that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the September 20, 2001 Planning Commission meeting.

Swedlund moved, Stone 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 September 20, 2001 Planning Commission meeting. (7 to 0)

In response to a question by Elkins, the Planning Commission indicated that they did not have any objections to staff placing Use of Reviews to allow On-Sale Liquor Establishments on the consent calendar when the item is going to be continued.

28. No. 01SE001 - Bradsky Subdivision No. 2

A request by Bill Caldwell to consider an application for a **Special Exception to the Flood Area Construction Regulations to allow permanent structures in the floodway** on Tract 5, Bradsky Subdivision No. 2, located in the NW1/4 SW1/4 Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1316 Cambell Street.

Emerson presented the slides for the subject property.

Randy Nelson, Engineering Division, presented the technical review and the staff recommendation for a Special Exception to the Flood Area Construction Regulations to allow permanent Structures in the floodway.

Nelson reviewed a typical cross-section of the creek, the floodway area, the floodway fringe, and the 100-year flood plan.

Discussion followed concerning flood proofing, equaling encroachments, flood elevations, permanent structures in the floodway, Flood Plain Development permits, increases in the base flood elevation, buoyant materials, and non conforming structures and uses.

Additional discussion followed concerning the applicant's request for a special exception and hazards to public safety and welfare.

Nelson stated that the applicant has obtained an engineer and has established that the addition will not increase the base flood elevation. Nelson advised that the proposed addition is in the shadow of the existing building and that he is not increasing the width to the building and would not be obstructing flow in the floodway. The addition is located behind the building and would result in a 1/10th-foot increase in the base flood elevation. Nelson added that the applicant has also provided information concerning flood proofing the building to insure that the structure does not move from the site.

Nelson reviewed the factors upon which the decision of the Planning Commission and City Council are required to consider when acting upon applications for a special exception, nature and degree of risk and the proposed expansion of the business.

Nelson stated that due to the nature and degree of risk resulting from the proposed expansion, staff is recommending that the Special Exception to the Flood Area Construction Regulations to allow permanent structures in the floodway be denied.

Bill Caldwell, applicant, discussed the building expansion, the hydraulic analysis, floodproofing, the letter of map revision he requested from Federal Emergency Management Agency, the base flood elevation, illegal encroachments on his property, the asphalt parking lot, the cost associated with relocation of his business, commercial property, continued investment in the property, rezoning of

property in the floodway as Flood Hazard District, and allowable uses of his property.

In response to a question by Swedlund, Nelson advised that the best location for the proposed addition would be to the back of the building or in the floodway shadow.

Hoffman stated that he does empathize with the applicant but expressed concerns with Planning Commission approving the request. Hoffman added that the Planning Commission must show consistency when considering uses in the floodplain and plans to vote for denial of the request.

Lengthy discussion followed concerning allowable uses on the property, overnight parking in the floodway, bouyant materials, intent of the City ordinance, flood mitigation and the storage of materials.

Wall stated that he realizes that is an emotional issue and empathizes with the applicant. Wall added that he understands the applicant's desire to expand his business but added that the Planning Commission must maintain integrity and commitment to the ordinances that have been passed. Wall stated that it would be unwise for the City to approve this request and planned to vote for denial of the request.

Swedlund concurred with Wall regarding the need for consistency in dealing with non-conforming uses. Swedlund asked if there were any other options available regarding the position of the detailing shop on the property that would allow approval of the request. Nelson explained that the entire property is in the floodway and placing the building anywhere else on the property would increase the flood elevation.

Discussion followed concerning allowable uses in at the Memorial Park bandshell, tents, and temporary construction fencing in the parks for civic activities.

Prairie Chicken stated that the 1972 flood is an emotional issue for many people and added that he too understands the applicant's position. Prairie Chicken stated that it is the Planning Commission's responsibility to consider the health, safety, welfare and property of all the people when reviewing applications for a special exception and that he would not support approval of the request.

Discussion followed concerning emotional vs. reasonableness issues, consistency, the City's responsibility, non-conforming uses and the danger to health, safety, welfare and property.

Caldwell expressed concerns with staff's references to the use of the premises for a used car lot in the floodway in the staff report. Caldwell advised that the used car lot is an existing use and that he requested the Special Exception to the Flood Area Construction Regulations to allow an addition to an existing non-

conforming structure. Caldwell discussed the denial of his request and the use of his property.

Discussion followed concerning litigation. Adam Altman, Assistant City Attorney, advised the Planning Commission that the City Attorney's office has reviewed this application and added that the City is on firm legal ground regarding this issue and that the City is confident of its position.

Wall moved, Hoffman seconded to recommend that the Special Exception to the Flood Area Construction Regulations to allow an addition to an existing non-conforming structure and the use of the premises for a used car lot in the floodway be denied.

Swedlund stated that if the City is going to allow non-conforming uses, then the applicant should be allowed to function as a business. Swedlund added that he did not feel that the expansion was going to increase the risk to public safety. He stated that if the City is going to be consistent, then the business needs to be discontinued and the City should buy the land from the applicant.

Stone concurred with Swedlund and expressed concern with denying the applicant use of his property. He added that he does not feel that it has been adequately demonstrated that the requested expansion will increase the risk to the public. Stone asked if there were any construction techniques such as retaining walls or dikes that may help alleviate some of the problems.

Discussion followed concerning the City's approach to flood plain management, expansion of the existing business, increased risk, increases in base flood elevation, zoning, parking cars on this site, and non-conforming uses.

Wevik stated that he concurred with staff's comment that "The added investment in the structure adds to the permanency of the non-conforming use, reducing the likelihood of achieving the goals of the ordinance." Wevik stated that he believes that the goal of the ordinance is to have no structures in the floodway and that if the City approves this request it is adding value and permanency to non-conforming structure and makes it more difficult and costly in the future buy out these properties. Wevik stated that he would not support the special exception to the Flood Area Construction regulations.

Discussion followed concerning the City establishing of a policy to purchase properties that have non-conforming structures and uses in the floodway.

In response to a question by Wall, Elkins advised that the Flood Policy Committee had not addressed this issue. Elkins explained that the establishment and purpose of the Flood Policy Committee. Elkins added that the Flood Policy Committee was designed to review policy not review specific applications.

Discussion followed.

Draft

The vote on the motion carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow an addition to an existing non-conforming structure and the use of the premises for a used car lot in the floodway be denied. (5 to 2 with Stone and Swedlund voting no)

29. Discussion Items

A. Setbacks from Section Line Highway – Bill Lass

Lass reviewed the request and staff's recommendation. Discussion followed concerning section highways and private access easements.

Wall moved, Mashek seconded and carried unanimously to authorize a public hearing to consider changes to the Zoning Ordinance that would set forth setbacks from section line highways. (7 to 0)

B. Draft Request for Proposals on Cell Tower Location Plan – Vicki Fisher

Fisher presented the draft Request for Proposals on Cell Tower Location Plan and staff's recommendation.

Swedlund expressed concerns that this Ordinance would be a product of the very industry that it is intended to regulate. He suggested that there be representatives from environmental groups or national coalitions who are opposed to cell tower locations.

Wevik asked if it would be prudent under the preliminary phase to have a public comment period. Elkins stated that an open house would be appropriate.

Discussion followed concerning public comment periods, open houses, the consultant selection process, local expertise, the increase in cell phone usage, micro towers on top of structures, co-locating on existing towers and the area's wireless communication needs.

Elkins explained that staff's recommendation is to hire a consultant that would represent the interests of the City. Elkins reiterated Fisher's statement that the City's goal is to minimize the number of towers necessary to serve the area's wireless communication needs and the esthetic impact on the community.

Additional discussion followed concerning placing a moratorium on 150' towers until the master plan is completed. Elkins suggested that staff and the Planning Commission continue to review applications on a case by case basis until the master plan is completed.

In response to a question by Wall, Elkins advised that the Beautification Committee has typically discussed issues related to landscaping, weed removal, cleanup, signs and power poles. Elkins stated that she would check with the Beautification Committee to see if they have identified cell towers in their plan as an issue of concern.

Draft

Wall moved, Hoffman seconded and carried unanimously to recommend approval of the Request for Proposals for Master Plan for Telecommunication Facilities. (7 to 0)

C. Planned Amendments to Development regulations – Bill Lass

Lass presented the proposed amendments to the Zoning Ordinance regarding Use on Reviews and reviewed staff's recommendation.

Hoffman left the meeting at this time.

In response to a question by Wevik, Elkins advised that the only way that a property owner would know that there is a Planned Development Designation on his property would be to check with the Planning Department. Elkins explained that the zoning map flags all of the planned developments with a dotted line around the property.

Discussion followed concerning recording Planned Developments and placing notes on plats. Elkins advised that staff does not recommend placing notes on plat because it has lead to problems in the past.

Jason Green, Assistant City Attorney, stated that the City Attorney's office has conducted some research on this issue. Green stated that documents that are recorded at the Register of Deeds are those that relate to owernship and possession of property. He added that Planned Development Designations are zoning issues and under state law the appropriate place for those to be filed is with the City Finance Officer and are available to the public in the Finance Office.

Hoffman returned to the meeting.

Wall moved, Stone seconded and carried unanimously to authorize a public hearing to consider changes to the Zoning Ordinance regarding Planned Developments. (7 to 0)

D. Use On Review – Name Change and Appeals to Planning Commission – Bill Lass

Lass reviewed the proposed amendments to the Zoning Ordinance regarding Use on Reviews and staff' recommendation.

Swedlund stated that he approved of streamlining the Use on Review process but expressed concerns with the appeal and public notification.

Swedlund moved to continue the proposed amendments to the Zoning Ordinance regarding Use on Reviews to the September 20, 2001 Planning Commission meeting.

Draft

Elkins suggested that the Planning Commission authorize staff to proceed with drafting the proposed amendments to the Zoning Ordinance regarding Use on Reviews, which includes more specific language regarding the notification and appeal process.

Swedlund amended his motion to authorize staff to proceed with drafting the proposed amendments to the Zoning Ordinance regarding Use on Reviews. The motion was seconded by Mashek.

Wall expressed concerns that the Planning Commission was placing itself in a political and administrative role and that he planned to vote against this issue.

Elkins explained that controversial issues would be presented to the City Council through the appeal process. She further explained that 95% of Use on Reviews could be handled easily and more timely if the Planning Commission had the final decision regarding Use on Reviews.

Discussion followed concerning streamlining the process, the impact the proposed amendment will have on Planned Developments if approved, the appeal process for reversing City Council decisions, and the Planning Commission's accountability to the public.

The vote on the motion carried to authorize staff to proceed with drafting the proposed amendments to the Zoning Ordinance regarding Use on Reviews. (6 to 1 with Wall voting no)

Elkins asked if the Planning Commission wished to continue the balance of the agenda to the next meeting as it was after 9:00 a.m. Wevik advised that Swedlund did have one issue regarding Planned Development 01PD047 – Boulevard Addition that he would like to address today.

E. No. 01PD047 – Boulevard Addition

Swedlund advised that this item was continued to the September 17, 2001 City Council meeting. Swedlund advised that the Historic Preservation architect has agreed to speak with Dick Stahl, applicant, to review the color and materials proposed for the facade and roof of the structures.

Discussion followed concerning the proper development of those areas which may be environmentally sensitive, and promoting compatibility with adjacent land uses in the proposed Stahl's Planned Residential Development, which is located adjacent to the West Boulevard Historic District.

Swedlund moved, Mashek seconded to direct staff to prepare a Resolution for Support of the Design Review by the Rapid City Historic Preservation Representative for the proposed Stahl Planned Development.

Draft

Hoffman expressed concerns with imposing the Rapid City Historic Preservation's 11.1 review on property that is not in the West Boulevard Historic District or environs. He also stated that a Resolution is non-binding and did not feel that preparing a Resolution will have any impact on the esthetic impact on the Planned Residential Development.

Swedlund discussed the value of the Resolution and added that this property borders the Historic District and it would encourage the City Council to review the architect's recommendations.

The vote on the motion carried to direct staff to prepare a Resolution for Support of the Design Review by the Rapid City Historic Preservation Representative for the proposed Stahl Planned Development. (6 to 1 with Hoffman voting no)

Wall moved, Mashek seconded, and carried unanimously to adjourn the meeting at 9:35 a.m. and continue the balance of the agenda to the September 20, 2001 Planning Commission meeting. (7 to 0)