

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 8, 2001

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

STAFF PRESENT: Blaise Emerson, Vicki Fisher, Lisa Seaman, Karen Bulman, Bill Lass, Kenn Shave, Randy Nelson, Dave Johnson, and Risë Ficken

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

Wall noted Marcia Elkins absence and expressed his condolences for the loss of her grandfather.

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.

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

Stone moved, Kooiker seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 7 in accordance with the staff recommendations with the exception of Item 6. (8 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the October 25, 2001 Planning Commission Meeting Minutes.
2. No. 01PL038 - Lamb Subdivision
A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of Reservoir Road and S.D. Highway 44.
Planning Commission recommended that the Preliminary and Final Plat be continued to the January 10, 2002 Planning Commission meeting to allow the applicant time to address zoning issues with Pennington County at the applicant's request.
3. No. 01PL079 - Lowe's Subdivision
A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Haines Avenue

between Mall Drive and Disk Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 21, 2001 Planning Commission meeting to allow the plat to be heard in conjunction with an associated Subdivision Regulations Variance request at the applicant's request.

4. No. 01PL096 - Robbinsdale Addition No. 8

A request by Gary Rasmusson to consider an application for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sitka Street and Hemlock Street.

Planning Commission recommended that the Final Plat be continued to the November 21, 2001 Planning Commission meeting.

5. No. 01PL111 - Firehouse Subdivision

A request by Doty Volunteer Fire Department to consider an application for a **Preliminary and Final Plat** on Lot 1 of Firehouse Subdivision, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located approximately 6 miles outside Rapid City on Nemo Road.

Planning Commission recommended that the Final Plat be continued to the December 6, 2001 Planning Commission meeting to allow the applicant to submit additional required information.

7. No. 01PL113 - Spring Canyon Estates

A request by Doug Sperlich for Dr. Larry Teuber to consider an application for a **Preliminary and Final Plat** on Lot A Revised of Block 2, and Lots 1R, 6R and 7R of Block 3, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Clarkson Road.

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

Urban Planning Division Recommendations:

1. **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,**
2. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.**

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

6. No. 01PL112 - Eastridge Estates Subdivision

A request by Dream Design International to consider an application for a **Layout Plat** on Eastridge Estates Subdivision located in the unplatted balance of the NE1/4 NW1/4 NW1/4 NW1/4 SW1/4 NW1/4 SE1/4 NW1/4 of Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Catron Boulevard and the future Fifth Street Intersection.

Hani Shafai, Dream Design International, expressed concern with the South Dakota Department of Transportation's recommendation. He expressed opposition to the proposed Condition No. 9 stating that he does not believe his client should be held responsible for the turning lane.

Fisher explained that Condition No. 9 is a recommendation from the South Dakota Department of Transportation. She suggested that the condition be modified to read that prior to Final Plat approval an approach permit shall be obtained from the South Dakota Department of Transportation.

Wall indicated that he feels that a turn lane is necessary to address turning activity off of Catron Boulevard.

Shafai stated that he does not disagree that a turning lane is needed; however, he disputes the responsibility for constructing turning lane. He added that the costs should be shared proportionately.

In response to a question from Wall, Fisher noted that the turning lane could be identified on the applicant's plans and the applicant may enter into negotiations with the Department of Transportation concerning funding the improvements.

Emerson indicated that at the time Catron Boulevard was constructed there was no need for the City or the South Dakota Department of Transportation to construct a turn lane. He noted that the applicant is proposing to develop 33 additional residences that will be taking access from this point.

In response to a question from Scull, Shafai indicated that he has attempted to contact the South Dakota Department of Transportation and has not been able to connect with Gary Engel. Shafai noted that prior to Final Plat approval the owner will negotiate with the South Dakota Department of Transportation concerning the status of the turning lane.

In response to a question from Wall, Emerson noted that state statutes do not allow a connection fee to be charged for access onto streets. He added that the potential exists for an assessment project to fund the turning lane.

Shafai indicated that the applicant would explore all options available noting that he feels that the South Dakota Department of Transportation and the City of Rapid City, the applicant and the neighboring property owner may all have some responsibility with the costs of constructing a turn lane.

In response to a question from Kooiker, Fisher noted that staff will work with all

parties in an effort to address the turning lane issue.

Kooiker requested clarification concerning whether the Layout Plat should be continued so that the turning lane issue does not get off track.

Discussion followed.

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

Engineering Division Recommendations:

- 1. Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, a master water plan for the future phases of the proposed development shall be submitted for review and approval;**
- 2. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, a master drainage plan, inclusive of future phases of the proposed development, shall be submitted for review and approval. In particular, a conceptual stormwater management plan shall be submitted for review and approval. In addition, the master drainage plan shall show the location of the future detention cell as identified in the draft drainage study for the area;**
- 3. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, a sewer plan prepared by a Registered Professional Engineer shall be submitted showing dry sewer lines and future connection to the City's existing collection system. The plat shall also be revised identifying a utility easement on each lot for the proposed drainfield location(s);**
- 4. Upon Preliminary Plat submittal, the Master Plan shall be revised reconfiguring the lots along the future extension of Enchantment Road to preclude direct access onto the street. In addition, the plat shall be revised to show a non-access easement along Enchantment Road except for approved approach location(s);**
- 5. Upon Preliminary Plat submittal, a pavement design based on geotechnical soil testing and 20 year traffic volumes 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. A complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements. In addition, the street design plans shall show temporary turnarounds at the end of the proposed streets as required by the Street Design Criteria Manual;**
- 7. Prior to Final Plat approval by the City Council, the section line right-of-way located along the west lot line shall be constructed to City**

standards or the section line highway shall be vacated;

Fire Department Recommendation:

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;

South Dakota Department of Transportation Recommendation:

9. Prior to Preliminary Plat approval, the applicant shall negotiate with the South Dakota Department of Transportation concerning the construction of a turn lane on Catron Boulevard;

Emergency Services Communication Center Recommendation:

10. Prior to Final Plat approval by the City Council, a revised road name for "East View Road" shall be submitted for review and approval. In addition, the plat shall be revised to show the revised road name;

Urban Planning Division Recommendations:

11. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
12. Prior to Final Plat approval by the City Council, the property shall be rezoned or a variance must be obtained to waive the minimum lot size requirement;
13. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and
14. 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 to 0)

---HEARING ITEMS CONSENT CALENDAR---

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.

Swedlund requested that Items 8, 9, 13, 14 and 17 be removed from the Hearing Consent Agenda for separate consideration.

Scull moved, Wall seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 8 through 26 in accordance with the staff recommendations with the exception of Items 8, 9, 13, 14 and 17. (8 to 0)

10. No. 01PD054 - Lakota Subdivision No. 1
A request by Mark A. Fetzer, Inc. for Lakota Community Homes, Inc. to consider an application for a **Major Amendment to a Planned Unit Development to increase the density and allow for reduced side yard setbacks** on Tract A of Block 3, Lakota Subdivision No. 1, Section 25, T2N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 2430 Gnugnuska Drive.

Planning Commission recommended that the Major Amendment to a Planned Unit Development to increase the density and allow for reduced side yard setbacks be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of Building Permit, the applicant shall submit a grading and drainage plan for review and approval;
2. Prior to issuance of Building Permit, the applicant shall submit a site plan identifying the location of adjacent parcels, water and sewer mains, and streets;
3. Prior to issuance of Building Permit, the applicant shall provide documentation that the existing four inch water service line is adequate for the proposed expansion;

Urban Planning Division Recommendations:

4. That a total of twenty-six paved parking spaces shall be provided of which two shall be accessible spaces. All parking shall be in accordance with Section 17.50.270 of the Rapid City Municipal Code Parking Regulations including curb stops along the western parking stalls;
5. That all landscaping shall be in accordance with Section 17.50.300 of the Rapid City Municipal Code Landscaping Regulations including curb stops or other physical barrier shall installed around plant material located in or next to the parking area; and,
6. An additional six deciduous trees shall be installed along the south side of the building prior to the issuance of Certificate of Occupancy for the proposed class room expansion; and,
7. A seventeen foot side yard setback shall be allowed.

11. No. 01RZ058 - Meadow View Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation.

12. No. 01PD055 - Meadow View Subdivision

A request by City of Rapid City to consider an application for a **Planned Development Designation** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to Low Density Residential District.

15. No. 01RZ060 - Tucker Subdivision and Needles Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation.

16. No. 01PD057 - Tucker Subdivision and Needles Subdivision

A request by City of Rapid City to consider an application for a **Planned Development Designation** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to Low Density Residential District.

18. No. 01PL103 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 21, 2001 Planning Commission meeting to allow the applicant to submit additional required information.

19. No. 01SV026 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for water, sewer, paving, curb, gutter, sidewalks, and street light conduit and to allow lots more than twice as long as they are wide** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Planning Commission recommended that the Variances to the Subdivision

Regulations be continued to the November 21, 2001 meeting to be considered in conjunction with the Preliminary and Final Plat as previously directed by the Planning Commission.

20. No. 01PD052 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Planning Commission recommended that the Planned Residential Development be continued to the November 21, 2001 meeting to be considered in conjunction with the Preliminary and Final Plat as previously directed by the Planning Commission.

21. No. 01RZ057 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the November 21, 2001 meeting to be considered in conjunction with the Preliminary and Final Plat as previously directed by the Planning Commission.

22. No. 01RZ061 - Minnesota Ridge Subdivision

A request by 3 T's Land Development to consider an application for a **Rezoning from Office Commercial District to Low Density Residential II District** on a portion of Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2R of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale Addition No. 10, said point being an angle point along the northerly boundary of said Tract B of Minnesota Ridge Subdivision, and the Point of Beginning; Thence, first course: N73°18'54"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 2R of Block 28, a distance of 124.95 feet; Thence, second course: S45°40'57"E along the southerly boundary of said Lot 2R of Block 28, common with the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 20.56 feet; Thence, third course: N44°19'03"E, along the southerly boundary common to said Lot 2R of Block 28, and the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 176.61 feet, to a point on the westerly boundary of Lot 1R of Block 17, Robbinsdale Addition No.10. Said

point is a corner common to said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, fourth course: S36°33'28"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 1R of Block 17, a distance of 10.96 feet; Thence, fifth course: S44°19'03"W, a distance of 200.76 feet; Thence, sixth course: S73°18'54"W, a distance of 149.18 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, seventh course: N21°40'47"E, along the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision and the Point of Beginning. Said Parcel contains 7,790 square feet or 0.179 acres more or less, more generally described as being located west of 5th Street north of Minnesota Street.

Planning Commission recommended that the Rezoning from Office Commercial District to Low Density Residential II District be approved.

23. No. 01SV024 - Lamb Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44 be continued to the January 10, 2002 Planning Commission meeting to be heard in conjunction with a Preliminary and Final Plat at the applicant's request.

24. No. 01SV030 - Vista Lake Subdivision

A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks and street light conduit** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for sidewalks and street light conduit be denied without prejudice at the applicant's request.

25. 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.

Planning Commission recommended that the Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility be continued to the December 6, 2001 Planning Commission meeting.

26. No. 01VR006 - Sections 22 and 23, T1N, R7E

A request by City of Rapid City to consider an application for a **Vacation of Right of Way** on section line right-of-way located in Tract A of Tract 1 of W1/2 SW1/4 Section 23 and E1/2 SE1/4 Section 22, less Lot 1 of Bendert Subdivision, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to Old Marine Life.

Planning Commission recommended that the Vacation of Right of Way be approved with the stipulation that the east 33 feet of the highway be retained as a utility easement.

Urban Planning Division Recommendations:

1. **Prior to City Council approval, documentation from Black Hills Fibercom shall be submitted indicating no objection to the vacation.**

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

8. No. 01CA032 - Skyline Pines East

A request by Wyss Associates for W.E.B. Partners to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Swedlund advised that his comments are directed to Items 8 and 17. He expressed concern that this land was rezoned earlier this year from No Use District to Office Commercial District and now the applicant is requesting to rezone the property to General Commercial. He indicated that he feels rezoning the property to General Commercial, even with a Planned Development Designation, is a mistake without knowing what the specific uses will be. He added that he is not comfortable voting until he knows exactly how the land will

be used. Swedlund expressed concern that he feels the use of Planned Development Designations in conjunction with Rezoning applications is a fundamental flaw in the planning process.

Emerson responded that staff is carefully reviewing the request and noted that the uses can be limited as part of the Planned Commercial Development. He added that once the property has been zoned General Commercial the property owner has the right to request a major amendment to an approved Planned Commercial Development.

Swedlund stated that he feels the Planned Commercial Development offers only limited protection, citing a recent development located near a historic district that he felt did not provide adequate aesthetic architectural design elements. He noted that the subject property is located in a scenic residential area and he will be closely reviewing any proposed uses under the General Commercial Zoning District.

Kooiker moved, Mashek seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial be continued to the November 21, 2001 Planning Commission meeting. (8 to 0)

9. No. 01PD050 - Lowe's Subdivision

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

Swedlund advised that he wanted to reinforce staff's position concerning application of the Landscaping Ordinance to the proposed Planned Development.

Fisher noted that staff has requested that the applicant consider innovative placement of the landscaping in the parking lot. Swedlund stated that he felt more teeth should be put into the recommendation to City Council. Fisher indicated that the applicant has already submitted a specific landscaping plan in compliance with the Landscaping Ordinance using landscaping as recommended in the parking lot.

Swedlund moved, Stone seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan request be continued to the November 21, 2001 Planning Commission meeting to allow the Planned Commercial Development to be heard in conjunction with an associated Preliminary and Final Plat at the applicant's request. (8 to 0)

Swedlund requested that Items 13 and 14 be considered concurrently.

13. No. 01RZ059 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

14. No. 01PD056 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Planned Development Designation** on that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

He expressed concern that the Planned Developed Designation does not require a plan to be submitted at this time identifying what will go into this development. He expressed concern regarding the types of commercial development that could be constructed at this location.

Emerson explained that The Maze tourist attraction is the existing use on the property. He noted that this property was recently annexed into the City of Rapid City and that the City has six months to rezone the property from No Use District to an appropriate zoning district. Emerson added that the proposed General Commercial zoning is consistent with the South Robbinsdale Future Land Use Plan. He stated that no additional development would be permitted on this property without the Planning Commission and City Council's review of an Initial and Final Development Plan.

Swedlund stated that he does not feel the Planned Development Designation is a very effective tool to address his concerns with commercial development issues. He requested clarification concerning why the property cannot be rezoned to Office Commercial

Emerson responded that an office commercial zoning designation would create a legal non-conforming use on the property. He explained that the property was previously zoned Highway Service District in the County and he noted that the property owner may have serious concerns with the City down zoning their property to a district that does not support the existing use.

Swedlund moved and Mashek seconded to recommend that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation.

Wall spoke in favor of the use of Planned Development Designations as an effective planning tool, the future land use planning process, and he expressed

concerns with the addition of unnecessary governmental controls.

Discussion followed concerning the perceived responsibility of private enterprise to contribute to the Rapid City Community, the use of landscaping regulations and architectural standards as a means to retain population and attract businesses to the community, existing planning policies, personal development preferences, parking lots and the perceived quality of developments in the Rapid City area.

Wevik stated that he feels General Commercial zoning is appropriate for this property and he added that he feels that the planned development designation gives the Planning Commission adequate development controls.

The motion unanimously carried to recommend that the Rezoning from No Use District to General Commercial District and the Planned Development Designation be approved. (8 to 0)

17. No. 01RZ054 - Skyline Pines East

A request by Wyss Associates for W.E.B. Partners to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Swedlund advised that his comments to Item 8 also apply to this item.

Swedlund moved, Stone seconded and unanimously carried to recommend that the Rezoning from Office Commercial District to General Commercial District be continued to the November 21, 2001 Planning Commission meeting. (8 to 0)

Fisher requested that Items 27 and 28 be considered concurrently.

27. No. 01PL102 - Sections 22 and 27, T1N, R8E

A request by Alliance of Architects for American West Communities to consider an application for a **Layout Plat** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and South Side Drive.

28. No. 01SV031 - Sections 22 and 27, T1N, R8E

A request by Alliance of Architects for American West Communities to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street conduit and to allow sidewalk on one side of the street** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and South Side Drive.

Fisher advised that the applicant has requested that Items 27 and 28 be continued to the November 21, 2001 Planning Commission meeting.

Wall moved, Kooiker seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to the November 21, 2001 Planning Commission meeting at the applicant's request. (8 to 0)

29. No. 01PL110 - Vista Lake Subdivision

A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Preliminary and Final Plat** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery.

Fisher stated that the applicant has requested that the Preliminary and Final Plat be continued to the January 10, 2002 Planning Commission meeting.

Scull moved, Hoffmann seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the January 10, 2002 Planning Commission meeting at the applicant's request. (8 to 0)

30. No. 01UR055 - Section 14, T1N, R7E

A request by Remodel King for Daniel M. Tackett to consider an application for a **Use On Review to allow a private residential garage in excess of 1000 square feet** on the unplatted part of the NW1/4 SE1/4 NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3751 Skyline Drive.

Seaman indicated that Kooiker had advised planning staff that the Use On Review sign was not posted on the subject property. She recommended that the Use On Review application be continued to the November 21, 2001 Planning Commission meeting to allow the applicant to post the sign on the property as required.

Wall moved and Hoffmann seconded to recommend that the Use On Review to allow a private residential garage in excess of 1000 square feet be continued to the November 21, 2001 Planning Commission meeting so that the notice sign can be posted on the property.

Discussion followed concerning staff's recommendation to prohibit water and

sewer service in the garage.

Kooiker stated that he did not see a Use On Review sign on the property.

The motion unanimously carried to recommend that the Use On Review to allow a private residential garage in excess of 1000 square feet be continued to the November 21, 2001 Planning Commission meeting so that the notice sign can be posted on the property. (8 to 0)

31. Discussion Items

A. Revisions to the Subdivision Regulations regarding Final Plats - Bill Lass

Lass discussed the process for administrative approval of Final Plats noting that Sioux Falls and Mitchell both use this method to expedite approval of Final Plats. He explained that the majority of the substantive discussions concerning subdivisions take place at the Layout and Preliminary Plat stage. Lass noted that the public would benefit from the added flexibility in the process and numerous Final Plat items could be omitted from City Council agendas.

Emerson explained that under the current procedures Final Plats are frequently continued on City Council agendas for a number of meetings to allow the applicant time to meet the stipulations identified at the Layout and Preliminary Plat stage.

Kooiker stated that he feels under the proposed administrative approval process both the City Council and Planning Commission would lose some level of decision making and would create opportunities for staff oversight. He added that he is willing to put up with a heavy agenda adding that he is not comfortable with giving that much leeway to staff.

Ron Kroeger indicated that the process can be extremely long and serious consideration should be given to methods to help to streamline the process. He suggested that the Planning Commission closely review this issue.

Randy Nelson explained that the major decisions to be made by the Planning Commission and City Council in the process is primarily exercised at the Preliminary Plat stage. He reviewed the types of minor revisions that are commonly requested to be made between Preliminary and Final Plat approval. He stated that the administrative approval process would benefit the applicant, property owner, developer and staff. He explained the issues associated with requiring information to be submitted based on Council deadlines frequently resulting in an applicant being held back two weeks instead of one or two days. He requested the Planning Commission's careful review of this request.

Wevik noted that once the Planning Commission makes a recommendation to the City Council concerning a Preliminary and Final Plat, staff ensures that conditions are met and formal action is taken by

Council.

Wall stated that he feels the administrative processing of Final Plats could help to reduce the Council's agenda load and may assist developers to accomplish their platting in a more timely manner. He stated that this does not appear to surrender any control noting that the process could be managed similar to building codes and other types of enforcement.

Swedlund expressed support for continuing this item to the next meeting noting that he is willing to look at means to streamline the process.

Kooiker indicated that he feels there is no harm in directing staff to draft a ordinance for further consideration by the Planning Commission.

Kooiker moved and Scull seconded to direct staff to prepare a draft ordinance for the administrative plat approval process for discussion by the Planning Commission at the November 21, 2001 Planning Commission meeting.

Discussion followed concerning the existing plat approval process, the Wednesday deadline prior to City Council, minor revisions to plats, and a draft ordinance.

The motion carried unanimously to direct staff to prepare a draft ordinance for the administrative plat approval process for discussion by the Planning Commission at the November 21, 2001 Planning Commission meeting. (8 to 0)

B. Driveway Grades - Bill Lass and Bill Knight

Lass explained that the Fire Department identified that maximum 16% road grade in the Street Design Criteria Manual surpasses road grades noting that the staff recommends a reduction in the maximum driveway grade to 12%. He discussed methods to identify residential driveway grades by using multiple elevations at the building permit stage, mailing prior notice of the criteria change to contractors and stamping the requirements on all building permits. Lass noted that the Fire Department is also requesting turnarounds on residential driveways over 100 feet.

Kenn Shave, Fire Department, stated that it has become more and more imperative for the issues to be addressed as the values of the homes that need protecting increases. He discussed icy conditions that occur on long driveways with heavy forestation.

Lass displayed an overhead showing a typical residential turnaround and discussion followed concerning surfacing and the use and maintenance of residential turnarounds.

Scull indicated that he feels the 12% grade maximum should only apply to

driveways over 100 foot long. Discussion followed concerning requirements for driveways less than 100 feet long, steep drives with plateaus, how fire trucks park in the street to access burning homes, and possible requirements for residential sprinkler systems.

Swedlund expressed concern with establishing mandatory requirements for residential turnarounds noting that he feels consideration and flexibility for special exceptions must be available.

Shave clarified that the Uniform Fire Code already requires the construction of turnarounds on residential driveways in excess of 150 feet. He noted that the Street Design Criteria Manual also takes into consideration curvature and grades and he feels the provision for turnarounds for driveways exceeding 100 feet is appropriate.

Discussion followed concerning special exceptions to the Street Design Criteria Manual and the potential to adapt existing garage parking pads for use as an emergency vehicle turnaround, and the probably number of properties that would be affected by the proposed amendment.

In response to a question from Swedlund, Shave explained that the fire trucks do not back down lengthy driveways due to the increased probability of property damage and life safety issues.

Kooiker expressed concern regarding the proposed grading for residential turnarounds for 100 foot driveways noting that he feels this is an unnecessary requirement and another hoop for people to jump through. He noted that the Lead, South Dakota fire fighters are able to back up their fire trucks with no consequences.

Wall spoke in favor of the proposed revisions to the Street Design Criteria Manual noting that police and emergency services personnel need the commission's support.

Wall moved and Scull seconded to authorize staff to advertise for changes to the Street Design Criteria Manual to change the maximum allowable residential driveway grade from 16% to 12% on driveways in excess of 100 feet.

Discussion followed concerning the number of driveways that are in excess of 100 feet, special exceptions to the Street Design Criteria Manual, and application of the grade requirement.

Kooiker clarified that the 12% maximum grade requirement will only be required for driveways over 100 feet.

The motion unanimously carried to authorize staff to advertise for changes to the Street Design Criteria Manual to change the maximum allowable residential driveway grade from 16% to 12% on

driveways in excess of 100 feet. (8 to 0)

Wall moved, Scull seconded and carried to recommend that the Planning Commission authorize Staff to advertise for changes to the Street Design Criteria Manual requiring residential turn-arounds meeting certain specifications for any driveway exceeding 100 feet in length. (7 to 1 with Swedlund voting no)

- C. Schedule Planning Commission Training Session for briefing on Future Land Use Planning process

In response to a request from Emerson, the Planning Commission scheduled the next training session for Wednesday, November 28, 2001 11:30 a.m. to 1:00 p.m. Emerson advised that staff would schedule a room and send out confirmation.

- D. Used Merchandise Sales - Bill Lass

Lass advised that staff was approached last week with a request to allow used merchandise sales in the General Commercial Zoning District. He noted that upon research it was determined that used merchandise sales are a permitted use in the Central Business District, but are not permitted in the General Commercial Zoning District. He stated that staff feels the ordinance should be cleaned up.

Discussion followed.

Scull moved, Hoffmann seconded and carried unanimously to authorize advertisements to the Zoning Ordinance allowing used merchandise sales with no outside storage as a Permitted Use in the General Commercial Zoning District. (8 to 0)

Swedlund advised that he had heard that the Safeway store on Mount Rushmore Road is expanding. He requested clarification concerning whether they will be required to come into compliance with the Landscape Ordinance. Emerson indicated that the expansion is not large enough to trigger the compliance with the landscape regulations.

Swedlund stated that he feels the Landscape Ordinance needs modification.

Discussion followed concerning membership on the newly reformed Landscape Code Committee, the Committee's progress, and the potential to limit the grandfather status in relationship to landscaping requirements.

Kooiker moved, Scull seconded and failed to carry the motion to add Swedlund to the Landscape Subcommittee. (3 to 5 with Kooiker, Mashek and Scull voting yes and with Swedlund, Wevik, Hoffmann, Wall and Stone voting no)

32. Staff Items

A. Wednesday Planning Commission meeting on November 21, 2001
Emerson reminded the Planning Commission that the next Planning Commission meeting will be held on the Wednesday before Thanksgiving.

B. Update on proposals for telecommunications Master Plan

Emerson advised that a proposal was received from Short Elliott Hendrickson Inc. located in Saint Paul, Minnesota noting that they have proposed aggressive time frames for completion of the project.

C. Other

Emerson stated that he submitted his resignation as Assistant Planning Director yesterday. He noted that he has accepted a position as the City of Custer Administrator and will begin work there on November 26th.

The Planning Commission offered Emerson their best wishes for success in his new position.

33. Planning Commission Items

A. Update on Roosevelt Park Master Plan
Emerson indicated that this item was continued from the previous Planning Commission meeting.

Swedlund stated that he does not want the pond to be in-filled.

B. Planning Commissioner appointment to Parks and Recreation Subcommittee

Emerson requested that a Planning Commissioner volunteer for appointment to the Park and Recreation Subcommittee noting that the meetings are held monthly on the first Tuesday at 7:00 p.m.

Wall moved, Hoffmann seconded and unanimously carried to appoint Bob Scull to Parks and Recreation Subcommittee. (8 to 0)

Kooiker moved, Hoffmann seconded and unanimously carried to replace Bob Scull with Paul Swedlund on Landscape Subcommittee. (8 to 0)

C. Confirmation of Landscape Subcommittee Appointments (Martha Rodriguez and Erik Heikes)

Kroeger left the meeting at this time.

Scull moved, Mashek seconded and unanimously carried to confirm

the appointment of Martha Rodriguez and Erik Heikes to the Landscape Subcommittee. (8 to 0)

- D. Planning Commissioner appointment to the Infrastructure Development Partnership Review Committee

Kooiker moved, Hoffman seconded and unanimously carried to continue this item to the November 21, 2001 Planning Commission meeting. (8 to 0)

- E. Planning Commission Goals Report

Wall moved, Kooiker seconded and unanimously carried to recommend that the Planning Commission Goals Report be continued to the November 21, 2001 Planning Commission meeting. (8 to 0)

Wall advised that he read an article in yesterday's paper concerning the old Juvenile Detention Center at 703 Adams Street. He stated that he is strongly opposed to any type of a corrections facility in a residential neighborhood.

Emerson stated that an application for rezoning has not been submitted as of this date.

Discussion followed concerning work release facilities and zoning where such activities are allowed.

There being no further business Swedlund moved, Kooiker seconded and unanimously carried to adjourn the meeting at 9:04 a.m. (8 to 0)