

**Draft**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 21, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Jeff Hoffmann, Mel Prairie Chicken, Jeff Stone, Sam Kooiker, Paul Swedlund, Bob Wall, and Stuart Wevik.

STAFF PRESENT: Vicki Fisher, Lisa Seaman, Karen Bulman, Bill Knight, Dan Bjerke, Dave Johnson, Dave LaFrance, Randy Nelson, Jason Green and Nadine Bauer

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

**Staff requested that Items 5 and 6 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Prairie Chicken moved, Hoffman 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 Items 5 and 6. (8 to 0)**

**---NON HEARING ITEMS CONSENT CALENDAR---**

1. Approval of the February 7, 2002 Planning Commission Meeting Minutes.
2. 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 March 7, 2002 Planning Commission meeting.**

3. No. 01PL123 - Rice Valley View Properties Addition  
A request by Rice Valley View Properties to consider an application for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota legally described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1033 Omaha Street.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the March 21, 2002 Planning Commission meeting.**

4. No. 01PL124 - Old Rodeo Subdivision

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for a **Preliminary and Final Plat** on Lot 4; and Physician Drive right-of-way, Old Rodeo Subdivision, Located in the NW1/4 of the SW1/4, and in the NE1/4 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Lot 1 of Old Rodeo Subdivision, more generally described as being located east of U.S. Highway 16, at the current northern terminus of Physician Drive.

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

**Engineering Division Recommendations:**

1. Prior to City Council approval of the Final Plat, the applicant must demonstrate that the Reasonable Use Rule is applicable for this development in lieu of off-site drainage improvements or easements;
2. Prior to City Council approval of the Final Plat, the utility easement document must be filed with the Pennington County Register of Deeds;
3. 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;
4. Prior to Final Plat approval by the City Council, the applicant must submit for review and approval conceptual plans identifying how the stormwater will be conveyed from proposed Lot 4 to the detention facility located on the property to the west;
5. Prior to Final Plat approval by the City Council, the applicant must provide an estimate for the engineering design and construction of the improvements required to convey the stormwater from proposed Lot 4 to the detention facility located on the property to the west;
6. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements and the engineering design of the improvements required to convey the stormwater from proposed Lot 4 to the detention facility located on the property to the west that have not been completed shall be posted.

7. No. 02PL007 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Preliminary and Final Plat** on Lot 1 of Tract A and Lot 2 of Tract A located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Tract 1 Minnesota Ridge Subdivision located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located southwest of the intersection of Anamaria Drive and 5th Street.

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

**Engineering Division Recommendations:**

1. **Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Fifth Street;**

**Urban Planning Division Recommendations:**

2. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 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 and the subdivision inspection fees shall be paid.**

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

5. **No. 02PL003 - Henderson Ranch Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on the SE1/4 NE1/4 and W1/2 SE1/4 of Section 14, T2N, R7E BHM, Pennington County, South Dakota; and NE1/4 NE1/4 of Section 23, T2N, R7E, BHM Pennington County, South Dakota; and SW1/4 NW1/4, less Haines Avenue Right of Way and NW1/4 SW1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lots 5 and 6 of Madison's Subdivision, in the City of Rapid City, as shown on the final plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, more generally described as being located west of Haines Avenue.

Fisher advised that the applicant requested that this item be continued to the March 7, 2002 Planning Commission meeting and that would be Staff's recommendation.

**Swedlund moved, Kooiker seconded and carried unanimously to recommend that the Layout Plat be continued to the March 7, 2002 Planning Commission meeting.**

6. **No. 02PL006 - Springbrook Acres Addition**

A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby to consider an application for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition and Lot 19R3 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

Fisher advised that the applicant requested that this item be continued to the March 7, 2002 Planning Commission meeting and that would be staff's recommendation.

**Swedlund moved, Hoffman seconded and carried unanimously to recommend that the Layout Plat be continued to the March 7, 2002 Planning Commission meeting.**

**--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.

Staff requested that Item 32 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Item 36 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 24 be removed from the Hearing Consent Agenda for separate consideration. Doug Sperlich, a member of the audience, requested that Items 26 and 27 be removed from the Hearing Consent Agenda for separate consideration.

**Wall moved, Prairie Chicken seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 8 through 36 in accordance with the staff recommendations with the exception of Items 24, 26, 27, 32, 36. (8 to 0)**

8. No. 02CA001 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Low Density Residential to Low Density Residential II** on the N1/2 of Government Lot 1 of the NW1/4 NW1/4 Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Low Density Residential to Low Density Residential II be continued to the March 7, 2002 Planning Commission meeting.**

9. No. 02CA002 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Medium Density Residential with a Planned Residential Development to Medium Density**

**Residential** on the S1/2 of Government Lot of the NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Medium Density Residential with a Planned Residential Development to Medium Density Residential be continued to the March 7, 2002 Planning Commission meeting.**

10. No. 02CA003 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial** on the N1/2 of Government Lot 2 of the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial be continued to the March 7, 2002 Planning Commission meeting.**

11. No. 02CA004 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximately 15 acre parcel from General Commercial with a Planned Commercial Development to General Commercial** on the S1/2 of Government Lot 2 of the SW1/4 NW1/4 less Highway 16B Right of Way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximately 15 acre parcel from General Commercial with a Planned Commercial Development to General Commercial be continued to the March 7, 2002 Planning Commission meeting.**

12. No. 02CA005 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an

application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Public Drainage and General Commercial with a Planned Commercial Development to General Commercial** on the north 900 feet of Government Lot 3 of the NW1/4 SW1/4 less Highway 16 B Right of Way, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Public Drainage and General Commercial with a Planned Commercial Development to General Commercial be continued to the March 7, 2002 Planning Commission meeting.**

13. No. 02CA006 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 52 acre parcel from Light Industrial with a Planned Commercial Development to Light Industrial** on the south 420 feet of Government Lot 3 of the NW1/4 SW1/4 and Government Lot 4 of the SW1/4 SW1/4 all in Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 52 acre parcel from Light Industrial with a Planned Commercial Development to Light Industrial be continued to the March 7, 2002 Planning Commission meeting.**

14. No. 02CA007 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Public Drainage, General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial** on the east 900 feet of the NE1/4 SE1/4 less Highway 16B Right of Way and the east 900 feet of SE1/4 SE1/4 all in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a**

**53 acre parcel from Public Drainage, General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial be continued to the March 7, 2002 Planning Commission meeting.**

15. No. 02CA008 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from General Commercial with a Planned Commercial Development and Low Density Residential with a Planned Residential Development to Office Commercial** on the west 420 feet of the NE1/4 SE1/4 less Highway 16B Right of Way and the west 420 feet of SE1/4 SE1/4 all in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from General Commercial with a Planned Commercial Development and Low Density Residential with a Planned Residential Development to Office Commercial be continued to the March 7, 2002 Planning Commission meeting.**

16. No. 02CA009 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 39 acre parcel from Low Density Residential with a Planned Residential Development and Medium Density Residential with a Planned Commercial Development to Office Commercial** on the NW 1/4 SE1/4 less Highway 16B Right of Way of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 39 acre parcel from Low Density Residential with a Planned Residential Development and Medium Density Residential with a Planned Commercial Development to Office Commercial be continued to the March 7, 2002 Planning Commission meeting.**

17. No. 02CA010 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change**

**the future land use designation on a 40 acre parcel from Low Density Residential District with a Planned Residential District to Medium Density Residential on the SW1/4 SE1/4 Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.**

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 40 acre parcel from Low Density Residential District with a Planned Residential District to Medium Density Residential be continued to the March 7, 2002 Planning Commission meeting.**

18. No. 02CA011 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Medium Density Residential with a Planned Residential Development to Neighborhood Commercial on the north 900 feet of the NE1/4 SW1/4 less Highway 16B Right of Way, Section 24, T1N, R7E, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.**

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Medium Density Residential with a Planned Residential Development to Neighborhood Commercial be continued to the March 7, 2002 Planning Commission meeting.**

19. No. 02CA012 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Medium Density Residential with a Planned Residential Development to Mobile Home Park on the south 420 feet of the NE1/4 SW1/4 and SE1/4 SW1/4 all in Section 24, T1N, R7E, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.**

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Medium Density Residential with a Planned Residential Development to Mobile Home Park be continued to the March 7, 2002 Planning Commission meeting.**



20. No. 02CA013 - R&L Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an 18.39 acre parcel from General Agriculture District to Light Industrial District** on 1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z and along R&L Subdivision Lots 1, 2, and 3 and R&L Subdivision Lots 1, 2 and 3 all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Lange Road north of Interstate 90 and east of Deadwood Avenue North.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an 18.39 acre parcel from General Agriculture District to Light Industrial District be approved.**

21. No. 01PD061 - Chapel Lane Village

A request by Patrick D. Coady to consider an application for a **Major Amendment to a Planned Residential Development to allow a 0 foot front yard setback for the existing deck from the east property line, to allow a 4 foot front yard setback for the existing residence from the east property line, to allow a 1 foot front yard setback for the proposed garage from the east property line, to allow a 6 foot front yard setback for the proposed garage from the north property line, to allow a 16.3 foot front yard setback for the existing residence from the west property line, to allow a 12.4 foot rear yard setback for the existing residence from the south property line and to allow for 32.5% lot coverage** on Lot 2P, Block 2, Chapel Lane Village, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3054 Lodgepole Place.

**Planning Commission recommended that the Major Amendment to a Planned Residential Development to allow a 0 foot front yard setback for the existing deck from the east property line, to allow a 4 foot front yard setback for the existing residence from the east property line, to allow a 1 foot front yard setback for the proposed garage from the east property line, to allow a 6 foot front yard setback for the proposed garage from the north property line, to allow a 16.3 foot front yard setback for the existing residence from the west property line, to allow a 12.4 foot rear yard setback for the existing residence from the south property line and to allow for 32.5% lot coverage be continued to the March 7, 2002 Planning Commission meeting to allow time for completion of the required mailing.**

22. No. 02PD001 - Fountain View

A request by Lyle Henriksen to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Tract A and Tract B, Fountain View Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Harmony Heights Lane.

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

**Engineering Division Recommendations:**

1. Prior to the approval of the Final Development Plan by the City Council, construction plans for the extension of sanitary sewer, drainage improvements and road improvements for that portion of Harmony Heights Lane that abuts the subject property, extending to the east lot line of Tract A, Fountain View Subdivision, shall be submitted for review and approval;
2. Prior to approval of the Final Development Plan by the City Council, site grading, paving and drainage information and construction plans for the extension of private water system(s) and private sanitary sewer system(s) to serve Phase 3 shall be submitted for review and approval;
3. Prior to issuance of a Certificate of Occupancy the internal road shall be completed in Phase 2 and Phase 3 to insure a second point of access to the development. In addition, the internal parking lot(s) and that portion of Harmony Heights Lane located adjacent to Phase 2 and Phase 3 shall be constructed;

**Fire Department Recommendations:**

4. All Uniform Fire Codes must be continually met;
5. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
6. Prior to issuance of a building permit, all weather access road(s) shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;

**Building Inspection Division Recommendation:**

7. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;

**Urban Planning Division Recommendations:**

8. The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development. In addition, the community center and swimming pool shall only be allowed as an accessory use to the proposed Harmony Heights Residential Development;
9. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
10. Prior to approval of the Final Development Plan by the City Council, the design and height of the fence to be constructed around the swimming pool shall be submitted for review and approval;
11. All signage shall conform to the design and location as shown in

the sign package submitted as part of the **Planned Residential Development**;

12. All lighting, excluding street lighting, shall be directed so as to reflect away from the adjacent residential development, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard;
  13. A minimum of 61,900 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  14. A minimum of 29 parking spaces shall be provided with two handicap accessible spaces. One of the Handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
  15. The **Planned Residential Development** shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.
23. No. 02PD002 - Northern Heights

A request by Dean Kelly Construction for Atonement Lutheran Church to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 522 Anamosa Street.

**Planning Commission recommended that the Planned Residential Development - Initial and Final Development Plan be continued to the March 7, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

25. No. 02PL005 - Wise's Addition

A request by Thurston Design Group, LLC for Youth & Family Services, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Block 21, Wise's Addition, located in the W1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 3 Rev. and 4 Rev. of Block 6 and Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 120 East Adams Street and 202 East Adams Street.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the March 7, 2002 Planning Commission meeting to allow the affected utility company to respond to the applicant's request for vacation of utility easements.**

28. No. 02PL010 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors to consider an application for a

**Layout Plat** on Lot A of Lot 12, Lot B of Lot 12, Lot 14 Revised, and dedicated street right-of-way of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota legally described as Lot 12 of the S1/2 SE1/4 and Lot 14 of the SW1/4 SE1/4, Pleasant View Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the corner of Longview and Crane Drive.

**Planning Commission recommended that the Layout Pat be continued to the March 21, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.**

29. No. 02SV005 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street light conduit, water and sidewalks** on Lot 12 of the S1/2 SE1/4 and Lot 14 of the SW1/4 SE1/4, Pleasant View Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Crane Drive.

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

30. No. 02RZ002 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on 1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z, and along R & L Subdivision Lots 1 and 2 and 3, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Lange Road north of Interstate 90 and east of Deadwood Avenue North.

**Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with the Amendment to the Comprehensive Plan.**

31. No. 02RZ006 - Sections 34 and 35, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a tract of land located in the NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NW 1/4 of Section 35, T1N, R7E, BHM and in the SE 1/4 of NE 1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 5/8" rebar which is the northwest corner of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, Thence N89°53'06"E a distance of 283.67', more or less, along the section line to the Point of Beginning which is a 5/8" rebar with cap marked 4225 set on the north section line of Section 35, T1N, R7E and the easterly right-of-way line of

U.S. Highway 16; Thence N89°53'06"E a distance of 1,042.05', more or less, along the north section of line of Section 35, T1N, R7E, to a point; Thence S89°42'56"E a distance of 1,327.92', more or less, along the north section line of Section 35, T1N, R7E, to a point at the N 1/4 corner of Section 35, T1N, R7E; Thence S00°00'06"E a distance of 1,338.24', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'17"E a distance of 668.30', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'54"E a distance of 668.47', more or less, along the north-south section 1/4 line of Section 35, T1N, R7E, to a point at the center of Section 35, T1N, R7E; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point at the W 1/4 corner of Section 35, T1N, R7E and E 1/4 corner of Section 34, T1N, R7E; Thence S89°42'51"W a distance of 104.64', more or less, along the east-west section 1/4 line of Section 34, T1N, R7E, to a point at the intersection of the east-west section 1/4 line of Section 34, T1N, R7E and easterly right-of-way line of U.S. Highway 16; Thence northeasterly along said easterly right-of-way line of U.S. Highway 16 on a curve with a radius of 2,492.00' and an arc length of 692.47', more or less, to a point; Thence N82°41'04"W a distance of 50', more or less, along the east right-of-way line of U.S. Highway 16 to a point; Thence N07°18'56"E a distance of 658.85', more or less, along the easterly right-of-way line of U.S. Highway 16 to a point; Thence N07°18'56"E a distance of 1,338.03', more or less, along the easterly right-of-way line of U.S. Highway 16 to the Point of Beginning; and Lot H2 of the E1/2 of the NE1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1/2 mile south of the intersection of Catron Boulevard and U.S. Highway 16.

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

33. No. 00UR025 - Section 24, T2N, R7E

A request by Sara and Blair Anhorn to consider an application for a **Review and Renewal of a Use on Review to allow a Child Care Center** on the south 156.52 feet of Lot C of the SW1/4 of the SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2710 North Haines Avenue.

**Planning Commission recommended that the Review and Renewal of a Use on Review to allow a Child Care Center be approved with the following stipulations:**

**Fire Department Recommendations:**

1. That all requirements of the Local and State Child Care regulations shall be continually met;

**Urban Planning Division Recommendations:**

2. The maximum number of children permitted in the facility shall be 53;

3. That Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;
  4. That the Use on Review be shall be subject to renewal on a complaint basis;
  5. That compliance with all stipulations of the original Use on Review (#1641) shall be continually met; and,
  6. That the Use On Review approval shall expire if the use as approved has ceased for a period of two years.
34. No. 01UR058 - Original Town of Rapid City  
A request by Cornerstone Rescue Mission to consider an application for a **Use On Review to allow the outdoor sales and storage of firewood in the General Commercial Zoning District** on Lot 15-16 and vacated east 10 feet of 1st Street Adjacent to Lot 16, Block 80, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 400 1st Street.

Planning Commission recommended that the **Use On Review to allow the outdoor sales and storage of firewood in the General Commercial Zoning District** be approved with the following stipulations:

**Engineering Division Recommendations:**

1. Prior to the initiation of the wood storage and sales use, the circulation aisle shall be paved to minimum city standards;
2. A building permit shall be obtained prior to any construction;
3. That the gate to be installed in the south fence shall be of adequate width to accommodate vehicle turning movements into the adjacent alley;

**Fire Department Recommendations:**

4. That the wood storage area shall be continually be kept clean and free of excessive bark, wood chips, sawdust and wood scraps;
5. That the wood shall be neatly stacked with applicable areas of separation;
6. That Fire Department access shall be continually maintained;

**Urban Planning Division Recommendations:**

7. Prior to initiation of the wood storage and sales use, screening slats shall be installed and continually maintained in the existing chain link fence or a solid wood fence or masonry wall shall be constructed and maintained in lieu of the chainlink fence;
8. That the wood storage area shall be continually maintained free of rodents, insect and other pests;
9. That activities associated with the fire wood storage and sales shall be limited to stacking, bundling, loading and unloading of the fire wood;
10. That the Use On Review is granted for a period of eighteen months subject to renewal by the Planning Commission and City Council;

11. That approval of this Use On Review shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years; and,
  12. That the hours of operation shall be limited to the hours of 7:00 a.m. and 8:00 p.m.
35. No. 02UR002 - Red Rock Estates  
A request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility**, on a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21°27'02"W, 74.40 feet; thence N68°32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence

N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, described by metes and bounds as follows: beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22° 57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26° 53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E,



147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; and, a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N00°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, more generally described as being located west of Sheridan Lake Road - Red Rock Estates Subdivision.

**Planning Commission recommended that the Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to issuance of a building permit, a grading plan and a drainage plan shall be submitted for the clubhouse, pump house, maintenance building and associated parking lots;

**Building Inspection Division Recommendations:**

2. Upon City Council approval, a building permit for the existing pump house shall be submitted for review;
3. Prior to renovating the existing single family residence into the proposed clubhouse, a building permit shall be obtained;
4. Prior to the start of construction of the maintenance facility, a building permit shall be obtained;
5. A Certificate of Occupancy shall be obtained prior to occupying the structures;

**Fire Department Recommendations:**

6. All Uniform Fire Codes shall be continually met;
7. Prior to the start of any building construction, fire hydrants shall be installed and operational;
8. Prior to the start of any building construction, all weather access roads shall be constructed to the building sites;
9. Prior to the start of any building construction, wildland fire mitigation shall be completed as required by the Fire Department;
10. Prior to the start of any building construction, street signs shall be posted. The street signs may be constructed of temporary material initially. Prior to issuance of a Certificate of Occupancy, permanent street signs shall be posted;
11. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background;
12. Any storage of golf carts within the clubhouse shall require that the clubhouse be sprinkled;

**Urban Planning Division Recommendations:**

13. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Conditional Use Permit;
14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
15. A minimum of one parking space shall be provided for the maintenance facility and the pump house, respectively. In addition, a minimum of 73 parking spaces including four handicap accessible spaces shall be provided for the clubhouse and golf course. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
16. Prior to City Council approval, a sign package shall be submitted for review and approval;
17. All lighting shall be so designed as to prevent shining on the adjacent residential development;

18. **The Conditional Use Permit shall expire if the use for which it was granted has ceased for a period of two years or more. Accessory use(s) keeping with the intent of the permitted use may be reviewed and approved as a Minimal Amendment by the Planning Director. A Major Amendment to the Conditional Use Permit shall be obtained prior to on-sale liquor being allowed as a part of the approved use(s)**

**---END OF HEARING CONSENT CALENDAR---**

24. No. 02PD003 - Wise's Addition

A request by Thurston Design Group, LLC for Youth and Family Services to consider an application for a **Planned Commercial Development - Final Development Plan** on the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 120 East Adams Street and 202 East Adams Street.

In response to a question by Prairie Chicken, Seaman advised that there was an error in the Staff report regarding the continuation date.

**Prairie Chicken moved, Hoffman seconded and carried unanimously to recommend that Planned Commercial Development - Final Development Plan be continued to the March 7, 2002 Planning Commission meeting to allow the applicant time to provide additional required information. (8 to 0)**

Doug Sperlich requested that Staff give a presentation on items 26-27.

Fisher requested that items 26 - 27 be considered concurrently.

26. No. 02PL008 - Rimrock Ranch Subdivision

A request by Fisk Land Surveying & Consulting Eng. for Thomas Lee to consider an application for a **Preliminary and Final Plat** on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE/14 of the NE/14 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 6905 West Highway 44.

Fisher presented the request, reviewed the slides and identified adjacent land uses.

Doug Sperlich, area resident, expressed concerns regarding controlling the density in the area, covenants, stopping and site distances, highway grades, passing and turning lanes, driveways, and protection of the Madison aquifer.

Dale Bachwich, area resident, expressed concerns about subdividing 10 acres and the impact this would have on the aesthetics of the development.

Warren Fisk, the applicant's engineer, reviewed the site distance analysis that he prepared for the approach to the applicant's property. He added that the site distance is adequate.

Larry Motsick, area property owner, advised that he purchased his property from Thomas Lee approximately six years ago and plans to build a house on the property in the future. Motsick stated that when he purchased the property, he understood that all of the lots in the neighborhood would be a minimum of 10 acres and expressed his concerns with the applicant's request to subdivide.

Thomas Lee, applicant, reviewed his application for a Preliminary and Final Plat to subdivide the subject property into two lots. Lee advised that his residence is located on proposed Lot 2B and explained his desire to add a home to the area that is not unattractive or obtrusive.

Discussion followed concerning covenants, rezoning, subdividing, re-platting, building envelopes, tree placement, building height restrictions and the South Dakota Department of Transportation highway approach permit.

In response to a question from Kooiker, Fisher discussed the Madison Aquifer Outcrop area and added that any potential subdivision is reviewed on a case by case basis to determine if there are sufficient soil conditions and area(s) on each lot to allow drainfields.

Discussion followed concerning stipulation #8 regarding the South Dakota Department of Transportation approach permit and any required improvements.

In response to a question by Swedlund, Jason Green, Assistant City Attorney, stated that he does not see anything patently illegal that would void this action if the Planning Commission decided to approve the applicant's request. Green explained that the Planning Commission is charged with listening to all of the testimony regarding this request. He added that if the Planning Commission determines that it is not in the best interest of the community to approve the application then that would be sufficient legal basis to deny the request. Green added that it is the applicant's burden to convince the Planning Commission that this request is a good thing for the community.

In response to a question from Wall, Fisher advised that the subject property is located in Pennington County but within the City's Three Mile Platting jurisdiction. A brief discussion followed concerning rezoning the subject property to Low Density Residential District through the County and densities within the City's platting jurisdiction.

Wall expressed concerns with the Planning Commission arbitrating between neighbors. He stated that the Planning Commission is responsible for looking at the appropriateness of the development in the event that it is rezoned by the County. Wall added that based on the stipulations, he feels that the major

issues have been addressed and he did not see any reason to deny the request.

**Swedlund moved, Wall seconded to recommend that Preliminary and Final Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to City Council approval of the Preliminary Plat, the location of existing and/or proposed well(s) shall be submitted for review and approval;
2. Prior to City Council approval of the Preliminary Plat, road construction plans for the 40 foot wide access easement and the common access easement shall be submitted for review and approval;
3. Prior to City Council approval of the Final Plat, the 40 foot wide access easement and the common access easement shall be constructed in compliance with Section 16.20.040 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to City Council approval of the Final Plat, the plat shall be revised to show a drainfield easement and an alternate drainfield easement on each lot;

**Fire Department Recommendations:**

5. Prior to City Council approval of the Final Plat, the applicant shall work with the Fire Department to develop and implement a Fire Mitigation Plan;
6. The Uniform Fire Code shall be continually met;

**Emergency Services Communication Center Recommendation:**

7. Prior to City Council approval of the Final Plat, the plat shall be revised to show S. D. Highway 44 as "W. S. D. Highway 44";

**South Dakota Department of Transportation Recommendation:**

8. Prior to City Council approval of the Final Plat, an approach permit shall be obtained;

**Urban Planning Division Recommendations:**

9. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District;
10. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
11. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

In response to a question by Kooiker, Bjerke advised that there is no written policy establishing density levels to protect the Madison aquifer. Bjerke advised that due to the development in the recharge area of the Madison and Minnelusa aquifers, the South Dakota School of Mines was commissioned by the City to conduct a study of the recharge area west of the City. Bjerke explained that the study provided recommendations in terms of on-site systems. Bjerke stated that the unwritten policy of limiting density to 10 acres came about through discussions from consultants, Engineering staff and the City Council members at that time. Bjerke stated that each subdivision needs to be reviewed on a case by case basis to determine the soil mantle and on-site waste water treatment systems.

**The vote on the motion carried to recommend that Preliminary and Final Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to City Council approval of the Preliminary Plat, the location of existing and/or proposed well(s) shall be submitted for review and approval;
2. Prior to City Council approval of the Preliminary Plat, road construction plans for the 40 foot wide access easement and the common access easement shall be submitted for review and approval;
3. Prior to City Council approval of the Final Plat, the 40 foot wide access easement and the common access easement shall be constructed in compliance with Section 16.20.040 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to City Council approval of the Final Plat, the plat shall be revised to show a drainfield easement and an alternate drainfield easement on each lot;

**Fire Department Recommendations:**

5. Prior to City Council approval of the Final Plat, the applicant shall work with the Fire Department to develop and implement a Fire Mitigation Plan;
6. The Uniform Fire Code shall be continually met;

**Emergency Services Communication Center Recommendation:**

7. Prior to City Council approval of the Final Plat, the plat shall be revised to show S. D. Highway 44 as "W. S. D. Highway 44";

**South Dakota Department of Transportation Recommendation:**

8. Prior to City Council approval of the Final Plat, an approach permit shall be obtained;

**Urban Planning Division Recommendations:**

9. **Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District;**
10. **Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
11. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
12. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

**(5 to 3 with Fast Wolf, Hoffman, Swedlund, Wall and Wevik voting yes and Kooiker, Prairie Chicken and Stone voting no)**

27. No. 02SV004 - Rimrock Ranch Subdivision

A request by Fisk Land Surveying & Consulting Eng. for Thomas Lee to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement for curb, gutter, sidewalks, street light conduit, dry sewer and water along West Highway 44** on Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE/14 of the NE/14 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 6905 West Highway 44.

**Wall moved and Swedlund seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S.D. Highway 44 be approved with the condition that the applicant sign an agreement to consent to a future assessment project for the improvements and that the Variance to the Subdivision Regulations to waive the requirement for paving the access easement(s) be denied.**

Kooiker expressed concern with approving the Variance to the Subdivision Regulations in conjunction with the Preliminary and Final Plat.

In response to a question by Swedlund, Fisher advised that the staff's recommendation is consistent with development standards within the area.

**The vote on the motion carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S.D. Highway 44 be approved with the condition that the applicant sign an agreement to consent to a future assessment project for the improvements and that the Variance to the Subdivision Regulations to waive the requirement for paving the access easement(s) be denied. (7 to 1 with Kooiker voting no)**

32. No. 02SV006 - Springbrook Acres Addition and Fairway Hills Planned Residential Development

A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby to consider an application for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Fairway Hills and Sandstone Ridge Subdivision.

Fisher advised that the applicant requested that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the March 7, 2002 Planning Commission meeting.

**Swedlund moved, Stone seconded and carried unanimously to recommend that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the March 7, 2002 Planning Commission meeting. (8 to 0)**

36. No. 02VR002 - Original Town of Rapid City

A request by Thurston Design Group, LLC for Rapid City Arts Council to consider an application for a **Vacation of Right of Way** on the alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Fisher presented the request, reviewed the slides, and identified adjacent land uses. Fisher also reviewed the parking requirements for the Central Business District and access. Fisher added that Engineering staff reviewed the conceptual plan for the expansion of the Dahl Fine Arts Center and determined that the design supports individual casings for each of the utilities to be constructed underground and that it is appropriate to proceed with the Vacation of Right of Way.

Fisher added that prior to issuance of a building permit; a miscellaneous document shall be recorded at the Register of Deed's Office identifying the area of the relocated alley as public right-of-way. She added that the road shall be constructed or surety posted for the improvement.

Kooiker expressed his concerns related to the loss of parking and access.

Discussion followed concerning parking requirements in the Central Business District, current parking for the Church, and coordination of events between the Dahl Fine Arts Center and Faith Temple Church and the expansion of the Dahl Fine Arts Center.

Fisher discussed an Ordinance amendment being proposed to allow art centers



as a conditional use in the Central Business District. In response to a question by Kooiker, Fisher stated that the Parking Regulations identify 3.3 parking spaces per 1000 for museums.

Bishop Lorenzo Kelly, Faith Temple Church, expressed his opposition to the request for Vacation of Right of Way. Kelley stated his concerns regarding having an alley wrap around the Church, loss of Church parking, a decline in property values, coordination of events and notification of affected property owners.

Al Scovel, a member of the Faith Temple Church, expressed his concerns regarding traffic flow, the proposed location for an electrical transformer pad, loss of Church parking, turning radius, the location of fire hydrants, the building plans for a theatre over relocated utilities, the diminished value of the Church, underutilization of City facilities, and the relocation of utilities.

In response to a question by Scovel, Bill Knight advised that he could not recall how many parking spaces would need to be removed from Kansas City Street in order to meet the turning radius requirements.

In response to a question by Scovel, Bjerke advised that the City will own and maintain the MDU building.

Fred Thurston, architect for the Dahl Fine Arts Center, presented the request and reviewed the slides. Thurston discussed the conceptual design, meetings with the public and Church, parking requirements in the Central Business District, available public and Church parking within a one block radius, accessibility to the proposed parking, designing a pullout for buses, reducing traffic flow, redesigning the loading dock, designing aesthetically pleasing parking lots, the architectural beauty and history of the Church building, placement of utilities underground, the needs of the community and the Church and development of a coordination schedule. Thurston requested that the Planning Commission approve the Vacation of Right of Way and allow the Dahl Fine Arts Center to proceed with the expansion plans so that he can continue to address all of the issues to the satisfaction of all involved.

In response to a question from Wevik, Thurston advised that the property where the alley is to be relocated is all on City property and that there is no property to be acquired from Faith Temple Church.

In response to a question from Wevik, Bishop Kelly advised that the Church and MDU have had an agreement for 18 years regarding the shared parking and maintenance of the parking lot between the two buildings. Kelly advised that presently there is no agreement between the City and the Church regarding the parking lot. Thurston added that the Dahl Fine Arts Center desires to come to an agreement with the Church regarding shared parking.

Swedlund noted that he has worked with the Dahl Expansion Committee and that he has considerable knowledge of the issues involved with the expansion. Swedlund reviewed the Dahl's expansion options, the costs involved, other local

facilities capable of supporting theatre production, availability of on street parking, the parking plan, being good neighbors and the aesthetics of the Church and MDU building. Swedlund stated that he supports the Dahl's expansion plan and added that he is confident that an attractive parking lot will be constructed and that it will in no way detract from the value or the view shed of the Church.

In response to a question from Stone, Fisher added that there is no legal notification requirement regarding this request. Fisher stated that she has kept Scovel apprised of the project's status and progress. Fisher added that all of the utility companies have concurred that the proposed relocation of utilities will meet their needs.

Stone commented that he felt that some of the comments and discussion presented to the Planning Commission regarding this request are beyond the Planning Commission's scope.

Hoffman stated that he was sensitive to the Church's concerns and stated that if he belonged to this Church, he would not want an alley along the side of the Church. He expressed his concerns with the Dahl's push to approve the Vacation of Right of Way without definite design plans and added that he strongly recommends that the Planning Commission deny the request.

**Kooiker moved, Hoffman seconded to deny the Vacation of Right of Way.**

Fast Wolf concurred with Hoffman and recommended that the Planning Commission deny the Vacation of Right of Way request.

Bishop Kelly again stressed that his main concern is the location of the alley.

Evelyn Kelly, Faith Temple Church, stated that she strongly objects to having an alley next to the Church and asked if there were any other options available.

Stone suggested continuing the application for Vacation of Right of Way to allow more discussion to occur between the Dahl Fine Arts Center and the Church.

In response to a question from Stone, Thurston stated the Dahl could spend approximately a half million dollars on design work if it proceeds without getting approval to vacate the alley. Thurston discussed the conceptual design, viability of the building, input from the Church, and revising the plans.

Discussion followed concerning on-going discussions between the Church and the Dahl Fine Arts Center and options.

Swedlund stated that additional negotiations between the Church and Dahl Fine Arts center would be beneficial.

**Swedlund made a substitute motion, Stone seconded to recommend that the Vacation of Right of Way be continued to the March 7, 2002 Planning**

**Commission meeting.**

Wall stated that he understands that the request is an emotional issue. He added that he supports both the Art Center and the Church as both are excellent contributing members of the community. Wall added that he would support a continuance to allow the Dahl Fine Arts Center and Faith Temple Church to continue negotiations.

In response to a question from Wall, Fisher advised that once the alley is vacated it no longer exists. She stated that the property owners could come back at a later date and dedicate the alley back as right of way but there is no mechanism to stipulate that as a part of this request.

Jason Green, Assistant City Attorney, added that there is no mechanism that allows for a conditional vacation of right of way. Green added that property on both sides of the alley is owned by the City and he does not believe that there would be much resistance to have the alley rededicated if the Dahl Expansion Project did not go through.

Swedlund discussed the present parking lot, options, and the proposed improvements.

Thurston apologized for the Dahl Fine Arts Center if they did not make it clear to the Church that they are willing to share the parking between the two facilities. Thurston explained that the Dahl has been negotiating to purchase another adjacent property. Thurston stated that he supports a continuance so that he can determine if it conceivable to exit to the south and to resolve all of the issues presented by the Church.

A brief discussion followed concerning pedestrian safety, increased costs, acquiring more land, diminution of value, relocating the alley to the south and other available options.

Prairie Chicken stated that he supports the motion to continue.

**The vote on the motion carried to recommend that the Vacation of Right of Way be continued to the March 7, 2002 Planning Commission meeting. (6 to 2 with Fast Wolf and Hoffman voting no)**

Wevik entertained a motion to continue the balance of the agenda to Thursday, February 28, 2002 at 7:00 a.m.

**Prairie Chicken moved, Hoffman seconded to continue the balance of the agenda to a Special Planning Commission meeting on Thursday, February 28, 2002 at 7:00 a.m. (8 to 0)**

Chairperson Wevik reconvened the meeting at 7:00 a.m., February 28, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Jeff Hoffmann, Jeff Stone, Sam Kooiker, Pam Mashek, Robert Scull, Paul Swedlund, and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Dan Bjerke, Dave Johnson, Randy Nelson, Rich Wells, and Nadine Bauer

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Elkins requested that items 37-40 be considered concurrently.

37. No. 01PD052 - Section 23, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the S1/2 NW1/4 NE1/4, 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.
38. 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.
39. No. 01RZ057 - Section 23, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the S1/2 NW1/4 NE1/4, 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.
40. No. 01SV026 - Section 23, T1N, R7E  
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 the S1/2 NW1/4 NE1/4, 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.

Discussion followed concerning previous public comments and concerns from residents of the Skyline Pines Subdivision.

In response to a question by Kooiker, Elkins stated that the applicant's requests comply with applicable zoning and subdivision regulations and that the Engineering Division is comfortable with their review and the applicant's compliance with the stipulations.

**Scull moved, Hoffman seconded and unaimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to issuance of any building permit, information shall be submitted documenting that the septic system has been designed to allow the future abandonment of the septic system and allow a direct connection to the central sanitary sewer system when available;
2. All residential lowest finish floors shall be constructed higher than the minimum finished floor elevations as identified on the Final Development Plan. Prior to Final Development Plan approval by the City Council, the applicant shall identify on the Planned Residential Development Plan the lowest finish floor elevation for all lots;
3. All lots shall have a minimum of a 1,500 gallon septic tank;
4. A dry sanitary sewer system shall be installed along Enchanted Pines Drive prior to the issuance of any building permits or surety shall be posted;

**Fire Department Recommendations:**

5. Prior to the issuance of any building permits and prior to any on-site construction using combustible material(s), an all weather surface access shall be installed, an approved water supply shall be provided and all fire hydrants shall be installed and operational;
6. No building permit shall be issued until a Wild Land Fire Mitigation Plan has been submitted for review and approved by the Rapid City Fire Department;
7. In any area where the City Street Design Criteria Manual standards cannot be met with regards to access, turnarounds, grades and required fire flows, all structures in those areas shall be required to have a residential fire sprinkler system installed throughout;

**Transportation Planning Division Recommendations:**

8. All driveways shall meet the minimum standards of the Street Design Criteria Manual;  
**Air Quality Division Recommendation:**
9. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

**Urban Planning Division Recommendation:**

10. A maximum of twenty (20) single family detached dwelling units shall be allowed. Any other use allowed in the Low Density Residential Zoning District may be allowed through a Major Amendment to this Planned Residential Development;
11. All provisions of the Low Density Residential Zoning District shall be met unless otherwise specifically authorized;
12. A minimum of two off-street parking spaces shall be provided for

each residence;

13. No signs, other than regulatory street signs, are authorized unless a Major Amendment is submitted for review and approved; and,
14. The Planning Director may approve lighting customarily accessory to the residential use of the property; however, in no case shall the lighting be directed toward an adjacent property. Streetlights constructed in accordance with the City of Rapid City standard specifications are hereby authorized. Any additional lighting may be approved as a Major Amendment to the Planned Residential Development;

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

**Engineering Division Recommendations:**

1. Prior to Planning Commission approval, revised information regarding the drainage shall be submitted to the Engineering Division for review and approval;
2. Prior to City Council approval, corrections to the drainage plans as previously noted must be submitted to the Engineering Division for review and approval;
3. Prior to City Council approval, the location of drain field easements for Lots 3, 4, 5, 8 and 9 shall be identified on the plat. The drain field easements shall be located in accordance with all required setbacks and the proper orientation and shall not be located in fill or on steep slopes;
4. Prior to City Council approval, the drainage easements around Lot 8 shall be revised and correctly shown on the plat;
5. Prior to City Council approval of the Final Plat, data from percolation tests shall be submitted for review and approval;
6. Prior to City Council approval of the Preliminary Plat, all red line corrections to the engineering plans shall be submitted for review and approval;
7. Prior to City Council approval of the Preliminary and Final Plat, the applicant shall submit written documentation from the adjoining landowners concurring with the vacation of portions of the easements for the spur roads connecting to the property to the north; and,

**Planning Department Recommendations:**

8. Prior to Final Plat approval all subdivision improvements shall be completed or surety posted with the City and all subdivision inspection fees shall be paid;

that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the Planned Residential Development; and, that the Variance to the Subdivision Regulations to waive the requirement for water, sewer, curb, gutter,

**sidewalks, and street light conduit for the private access easements providing access to the property to the north be approved; that the Variance to the Subdivision Regulations to waive the requirement to allow lots more than twice as long as they are wide be approved; and, that the Variance to the Subdivision Regulations to waive the requirement for pavement for the private access easements providing access to the property to the north be denied. (8 to 0)**

Fisher requested that items 41-43 be considered concurrently.

41. No. 01PD065 - Cleghorn Canyon Subdivision - Fish Hatchery Subdivision  
A request by Fisk Land Surveying for Dakota Land Development to consider an application for an **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery 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.
42. 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.
43. No. 02SV001 - Cleghorn Canyon Subdivision - Fish Hatchery Subdivision  
A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery 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 presented the request, reviewed the slides, identified adjacent land uses, topographical constraints, easements, stipulations and the requested Special Exceptions.

In response to a question by Kooiker, Fisher advised that the applicant had submitted a request to rezone the property from Park Forest to Office Commercial last year but the request was denied without prejudice. Fisher stated that Blessed Sacrament Church had expressed concerns with a major home occupation in close proximity to the church.

In response to a question by Kooiker, Elkins advised that many of the issues involved with development of this property are engineering related and deferred the recommendation to Planning Commission to Engineering and Public Works Division.

Bjerke reviewed the Engineering Division's recommendations and the Special Exceptions that would be necessary to develop this property.

Lengthy discussion followed concerning turning radii, maximum grades, staging area, separation distances, corner-cutting at the intersection of the curves, snow removal, retaining walls, water pressure, fire protection and Uniform Fire Code requirements

Stone expressed his concerns with turning movements onto Jackson Boulevard and traffic hazards.

Hoffman stated he was concerned about the steep grades and fire protection capabilities. Elkins briefly reviewed the Fire Department's stipulations in the request for Initial and Final Development Plan - Planned Residential Development.

Warren Fisk, applicant's engineer, commented that this piece of property has been very difficult to develop due to the topographical constraints. Fisk reviewed the grades, approach entrances and the proposed interior road extending north off Jackson Boulevard.

Lengthy discussion followed concerning the extension of Chapel Lane, sharing access with Blessed Sacrament Church, re-platting Lot 1 and other alternatives.

John Skulborstad, the applicant, stated that he originally wanted to share a curb cut off Jackson Boulevard with the Church. Skulborstad explained that due to the Church's opposition, he chose to develop the property in this manner.

In response to a question by Kooiker, Bjerke stated that this is a difficult piece of property to develop and that it is not an ideal situation to grant this many Special Exceptions. Bjerke added that joint access is no longer an option and that this is the only way to access the six lots and allow the property to be developed.

Additional discussion followed concerning public safety, access points, trip generations, installation of a stop light, and granting Special Exceptions.

Swedlund stated that this item has been on the agenda several times and added that even though this is not the most desirable situation, he felt that the applicant's request should be approved and allow the applicant to develop the property.

**Swedlund moved, Stone seconded to recommend that Items 41-43 be approved with stipulations.**

Mashek stated that she would not be supporting the motion due to her concerns



with the number of Special Exceptions requested, access issues and public safety.

Wevik concurred with Mashek. He expressed his concerns with the number of Special Exceptions necessary to develop the property, access and grade issues. Wevik added that he recognized and appreciated Staff's hard work in trying to help the applicant develop this parcel of property.

**The vote on the motion carried to recommend that the Initial and Final Development Plan - Planned Residential Development be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to the approval of the Final Development Plan by the City Council, Preliminary and Final Plat #01PL110 shall be approved;
2. All residential structures shall be constructed within the serviceable water zone boundary(s) as shown on the site plan;
3. A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be prepared by the owner's representative one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
4. The proposed interior road shall be posted with "no-parking" signs;

**Fire Department Recommendations:**

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

**Building Inspection Division Recommendation:**

10. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;

**Air Quality Division Recommendation:**

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

**Urban Planning Division Recommendations:**

12. The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. Any other use shall require a Major

**Amendment to the Planned Residential Development:**

13. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
14. A reduced front lot width for Lots 3 thru 6 from 50 feet to 48.43 feet, 25.27 feet, 29.62 feet and 27.54 feet, respectively, shall be allowed;
15. The minimum lot size requirement of the Park Forest District for Lots 1, 2, 3, 4 and 7 shall be reduced from three acres to 1.9 acres, 1.32 acres, .70 acres, 1.48 acres and .61 acres, respectively;
16. Two off-street paved parking spaces shall be provided on each lot for visitor parking. The two off-street parking spaces required for the residential use shall not count towards this requirement.
17. The existing structure located on proposed Lot 1 shall be allowed to remain on the property. Any development and/or redevelopment of the property shall comply with the uses established in the Park Forest District;
18. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years;

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

**Engineering Division Recommendations:**

1. A Special Exception is hereby granted to allow a 10 foot radius of curve on the first curve of the proposed road in lieu of the required 15 to 20 foot radius of curve as required by the Street Design Criteria Manual;
2. A Special Exception is hereby granted to allow a 40 foot radius of curve on the second curve of the proposed road with a maximum speed of 10 miles per hour in lieu of 20 to 25 mph with a minimum 100 foot radius of curve as required by the Street Design Criteria Manual;
3. A Special Exception is hereby granted to allow an 18 foot perpendicular staging area at the approach along Jackson Boulevard in lieu of the required 25 foot minimum perpendicular staging area as required by the Street Design Criteria Manual;
4. A Special Exception is hereby granted to allow a 14% maximum grade along the inside of the second curve of the road in lieu of the maximum allow 12% grade as required by the Street Design Criteria Manual;
5. A Special Exception is hereby granted to allow a 25 foot radius in lieu of the required 40 foot minimum radius as required by Section 3.2.1 of the Street Design Criteria Manual;
6. A Special Exception is hereby granted to allow corner-cutting at the intersection on the curve along the first curve of the proposed interior road in lieu of designing the intersection on curve to avoid

- or to minimize corner-cutting as required by Section 4.2.2 of the Street Design Criteria Manual;
7. A Special Exception is hereby granted to allow a zero foot separation distance between intersections in lieu of the required 35 foot minimum driveway approach spacing as required by Section 4.2.5 of the Street Design Criteria Manual
  8. A Special Exception is hereby granted to allow a 640 foot long cul-de-sac in lieu of the maximum allowed 500 foot long cul-de-sac as required by the Street Design Criteria Manual;
  9. 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;
  10. Prior to Preliminary Plat approval by the City Council, revised site distance calculations for the western approach along Jackson Boulevard shall be submitted for review and approval;
  11. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular sub-basin calculations shall address drainage concerns relative to site grading and development;
  12. Prior to Preliminary Plat approval by the City Council, cross-sections at 50 foot centers of the proposed street, fill slopes and drainage channel shall be submitted for review and approval;
  13. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the proposed sewer line(s) to be bored under Jackson Boulevard will not conflict or impact an existing 24 inch main water line existing in the Jackson Boulevard right-of-way;
  14. Prior to Preliminary Plat approval by the City Council, a revised utility plan shall be submitted for review and approval. In particular, a special manhole design and complete utility trench detail shall be prepared showing bedding below and above the pipe installation;
  15. Prior to Preliminary Plat approval by the City Council, a seeding and permanent stabilization plan for the steep embankments along the proposed road shall be submitted for review and approval;
  16. Prior to Preliminary Plat approval by the City Council, a geotechnical agreement identifying the geotechnical scope of services shall be submitted for review and approval. In addition, a developer's agreement identifying quality control services shall be submitted for review and approval;
  17. Prior to Preliminary Plat approval by the City Council, a revised construction and design plan for the concrete retaining wall to be located adjacent to the proposed interior road shall be submitted for review and approval;
  18. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a sidewalk along both sides of the interior road or a Variance to the Subdivision Regulations shall be obtained;
  19. Prior to Preliminary Plat approval by the City Council, a permit shall

be obtained from the South Dakota Department of Transportation to allow the proposed retaining wall to be located in the Jackson Boulevard right-of-way;

20. Prior to Preliminary Plat approval by the City Council, revised construction plans and geotechnical information identifying thicker pavement sections at approach entrances and at non-standard turning radii locations shall be submitted for review and approval;
21. Prior to Final Plat approval by the City Council, documentation providing a legal mechanism for maintenance of the retaining wall(s) shall be submitted for review and approval; In lieu of a maintenance agreement, concrete construction of the retaining wall(s) may be utilized;

**Fire Department Recommendations:**

22. All Uniform Fire Codes shall be continually met;

**Urban Planning Division Recommendations:**

23. Prior to Final Plat approval by the City Council, the associated Initial and Final Planned Residential Development shall be approved or a Variance to the Zoning Ordinance shall be obtained to reduce the front lot line from 50 feet to 27.54 feet, 29.62 feet, 25.27 feet and 48.43 feet, respectively; and a Variance to the Zoning Ordinance shall be obtained to reduce the minimum lot size requirement in the Park Forest District from three acres to 1.94 acres, .64 acres, 1.38 acres, .70 acres and 1.30 acres, respectively;
24. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
25. 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; and,

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

**Engineering Division Recommendations:**

1. A Special Exception is hereby granted to allow a 10 foot radius of curve on the first curve of the proposed road in lieu of the required 15 to 20 foot radius of curve as required by the Street Design Criteria Manual;
2. A Special Exception is hereby granted to allow a 40 foot radius of curve on the second curve of the proposed road with a maximum speed of 10 miles per hour in lieu of 20 to 25 mph with a minimum 100 foot radius of curve as required by the Street Design Criteria Manual;
3. A Special Exception is hereby granted to allow an 18 foot perpendicular staging area at the approach along Jackson Boulevard in lieu of the required 25 foot minimum perpendicular

- staging area as required by the Street Design Criteria Manual;
4. A Special Exception is hereby granted to allow a 14% maximum grade along the inside of the second curve of the road in lieu of the maximum allow 12% grade as required by the Street Design Criteria Manual;
  5. A Special Exception is hereby granted to allow a 25 foot radius in lieu of the required 40 foot minimum radius as required by Section 3.2.1 of the Street Design Criteria Manual;
  6. A Special Exception is hereby granted to allow corner-cutting at the intersection on the curve along the first curve of the proposed interior road in lieu of designing the intersection on curve to avoid or to minimize corner-cutting as required by Section 4.2.2 of the Street Design Criteria Manual;
  7. A Special Exception is hereby granted to allow a zero foot separation distance between intersections in lieu of the required 35 foot minimum driveway approach spacing as required by Section 4.2.5 of the Street Design Criteria Manual
  8. A Special Exception is hereby granted to allow a 640 foot long cul-de-sac in lieu of the maximum allowed 500 foot long cul-de-sac as required by the Street Design Criteria Manual;
  9. 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;
  10. Prior to Preliminary Plat approval by the City Council, revised site distance calculations for the western approach along Jackson Boulevard shall be submitted for review and approval;
  11. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular sub-basin calculations shall address drainage concerns relative to site grading and development;
  12. Prior to Preliminary Plat approval by the City Council, cross-sections at 50 foot centers of the proposed street, fill slopes and drainage channel shall be submitted for review and approval;
  13. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the proposed sewer line(s) to be bored under Jackson Boulevard will not conflict or impact an existing 24 inch main water line existing in the Jackson Boulevard right-of-way;
  14. Prior to Preliminary Plat approval by the City Council, a revised utility plan shall be submitted for review and approval. In particular, a special manhole design and complete utility trench detail shall be prepared showing bedding below and above the pipe installation;
  15. Prior to Preliminary Plat approval by the City Council, a seeding and permanent stabilization plan for the steep embankments along the proposed road shall be submitted for review and approval;
  16. Prior to Preliminary Plat approval by the City Council, a geotechnical agreement identifying the geotechnical scope of services shall be submitted for review and approval. In addition, a

- developer's agreement identifying quality control services shall be submitted for review and approval;
17. Prior to Preliminary Plat approval by the City Council, a revised construction and design plan for the concrete retaining wall to be located adjacent to the proposed interior road shall be submitted for review and approval;
  18. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a sidewalk along both sides of the interior road or a Variance to the Subdivision Regulations shall be obtained;
  19. Prior to Preliminary Plat approval by the City Council, a permit shall be obtained from the South Dakota Department of Transportation to allow the proposed retaining wall to be located in the Jackson Boulevard right-of-way;
  20. Prior to Preliminary Plat approval by the City Council, revised construction plans and geotechnical information identifying thicker pavement sections at approach entrances and at non-standard turning radii locations shall be submitted for review and approval;
  21. Prior to Final Plat approval by the City Council, documentation providing a legal mechanism for maintenance of the retaining wall(s) shall be submitted for review and approval; In lieu of a maintenance agreement, concrete construction of the retaining wall(s) may be utilized;

**Fire Department Recommendations:**

22. All Uniform Fire Codes shall be continually met;

**Urban Planning Division Recommendations:**

23. Prior to Final Plat approval by the City Council, the associated Initial and Final Planned Residential Development shall be approved or a Variance to the Zoning Ordinance shall be obtained to reduce the front lot line from 50 feet to 27.54 feet, 29.62 feet, 25.27 feet and 48.43 feet, respectively; and a Variance to the Zoning Ordinance shall be obtained to reduce the minimum lot size requirement in the Park Forest District from three acres to 1.94 acres, .64 acres, 1.38 acres, .70 acres and 1.30 acres, respectively;
24. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
25. 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.

that the Subdivision Regulations to allow sidewalks on one side of the interior street and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement be approved with the following stipulations:

1. The sidewalk along the interior street shall be constructed as a four

**foot wide concrete sidewalk meeting all of the design standards set forth in the Street Design Criteria Manual ; and,**

- 2. Prior to City Council approval, the applicant shall sign an agreement to consent to a future assessment project for the improvements. (5 to 3 with Kooiker, Mashek, and Wevik voting no)**
44. Discussion Items
- A. Planning Department Staffing

In response to a question by Swedlund, Elkins reviewed the status and process for filling the two vacant Planner positions.

Swedlund stated that he would like to review the applications and the job announcements. Kooiker stated that he would also be interested in reviewing the applications.

Wevik stated that he appreciated Staff's hard work, guidance and recommendations while being short-staffed. Kooiker concurred.

**There being no further business Hoffman moved, Mashek seconded and unanimously carried to adjourn the meeting at 7:58 a.m.**