

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 21, 2002

MEMBERS PRESENT: Jeff Hoffmann, Sam Kooiker, Dawn Mashek, Mel Prairie Chicken, Paul Swedlund, Bob Wall and Ron Kroeger, City Council representative

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Patsy Horton, Jason Green, Dave Johnson, Randy Nelson Bill Knight, and Nadine Bauer

Vice-Chairperson Wall called the meeting to order at 7:00 a.m.

56A. Draft Ordinance Amendment defining high technology industrial facilities and a specific parking rate

Elkins reviewed the proposed amendment and advised that staff is asking for authorization to proceed to a formal public hearing to consider amendments to the Ordinance.

Hoffman stated that he support amending the Ordinance. Hoffman expressed concerns regarding additional parking needs in the future and changes in the use of the building.

Elkins stated that it is possible to identify in the code what the rate is and to also require the applicant to identify a site plan that accommodates the higher industrial rate as part of the initial plan to insure that there would be sufficient space available for future use.

Robert Mudge, RPM, stated that he supports the revisions to the Ordinance. Mudge discussed RPM's future growth plans and noted that due to the technical nature of the business, the floor space required, and the type of equipment utilized, the proposed parking rate would be sufficient. Mudge stated that he did not believe that it was necessary to identify space for future parking areas.

Wall asked how notification was made to a potential buyer that the property use has changed. Elkins advised that there is no formal notification to the City that the new owner is changing the use of the property; a building permit is commonly required and would result in discussion of the parking requirements.

Swedlund expressed his concern with tying present parking needs to possible zoning on the site and the potential impact on the location of businesses in the area.

Hoffman stated that he would like to see the plan identify parking spots so that if the property did change use in five or ten years that land would be available.

In response to a question by Hoffman, Elkins advised that the Planning Commission could request staff to prepare language that would require that the applicant prepare a site plan at the time a building permit is issued which identifies the potential to provide the additional parking based on the higher standard rate for an industrial project.

Hoffman moved, Swedlund seconded and unanimously carried to continue the

Draft Ordinance Amendment defining high technology industrial facilities and a specific parking rate to the April 4, 2002 Planning Commission meeting and direct staff to prepare language which identifies the full number of parking spaces required in the plat. (6 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

Wall 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 13 be removed from the Non-Hearing Consent Agenda for separate consideration. Mashek requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration.

Mashek moved, Prairie Chicken seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Items 1, 5, 10, 13 (6 to 0)

2. No. 02DU001 - 11-6-19 SDCL Review

A request by Basin Electric Power Cooperative to consider an application for a **11-6-19 SDCL Review** on a request for compliance with the adopted Comprehensive Plan in accordance with 11-6-19 SDCL to allow the construction of a utility substation located in the SW1/4 of Section 28, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Planning Commission recommended that the 11-6-19 SDCL Review be continued to the April 4, 2002, Planning Commission meeting to allow the applicant to submit additional information.

3. 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 April 2002 Planning Commission meeting.

4. 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 April 4, 2002 Planning Commission meeting at the applicant's request.

6. No. 02PL009 - Chapel Lane Village Subdivision

A request by Polenz Land Surveying for Chuck Farrar to consider an application for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE/14 of NE/14 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3210 Kirkwood Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 4, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

7. 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 acknowledgement of the applicant's withdrawal of the Layout Plat.

8. No. 02PL014 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1A and 1B of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 1 of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of East Oakland Street and Smith Avenue.

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

Engineering Division Recommendations:

1. A Special Exception is hereby granted to allow access to proposed Lot 1B from East Oakland Street in lieu of Smith Avenue, the lesser order street, as required by the Street Design Criteria Manual;
2. A Special Exception is hereby granted to allow an approach to be located 62 feet from the intersection of a collector road and a local road in lieu of the minimum required distance of 75 feet as required by the Street Design Criteria Manual;
3. Prior to City Council approval of the Final Plat, the plat shall be revised to show a shared access easement along the common lot line of Lots 1A and 1B. In addition, the plat shall be revised to show a non-access easement along Smith Avenue; and,

Register of Deed's Office Recommendation:

4. Prior to City Council approval of the Final Plat, the plat title shall be revised to show "formerly Lot 1 of Block 1" in parenthesis.
9. No. 02PL015 - Park Meadows Subdivision
A request by CETEC Engineering for Park Hill Development Inc. to consider an application for a **Preliminary and Final Plat** on Lots 4A and 4B of Block 4 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 4 of Block 4 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of East Oakland Street and Sydney Drive.

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

Engineering Division Recommendations:

1. A Special Exception is hereby granted to allow access to proposed Lot 4A from East Oakland Street in lieu of Sydney Drive, the lesser order street, as required by the Street Design Criteria Manual;
2. A Special Exception is hereby granted to allow an approach to be located 50 feet from the intersection of a collector road and a local road in lieu of the minimum required distance of 75 feet as required by the Street Design Criteria Manual;
3. Prior to City Council approval of the Final Plat, the plat shall be revised to show a shared access easement along the common lot line of Lots 4A and 4B. In addition, the plat shall be revised to show a non-access easement Sydney Drive; and,

Register of Deed's Office Recommendation:

4. Prior to City Council approval of the Final Plat, the plat title shall be revised to show "formerly Lot 4 of Block 4" in parenthesis.

11. No. 02PL017 - Trailwood Village

A request by Kip M. Garland to consider an application for a **Preliminary and Final Plat** on Lot 14R and Lot 15R of Block 14 of Trailwood Village, located in the NE1/4 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota legally described as formerly Lot 14 and Lot 15 of Block 14 of Trailwood Village located in the NE1/4 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2821 Shad Street.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant time to submit the required topographic mapping.

12. No. 02PL019 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1R, 2R, 3R, 4R, 5R, and 6R of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 1, 2, 3, 4, 5, and 6 of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Oakland Street and Smith Avenue.

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

Engineering Division Recommendations:

1. **A Special Exception is hereby granted to allow access to proposed Lots 1R and 2R from East Oakland Street in lieu of Kulpaca Place, the lesser order street;**
2. **Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Kulpaca Place;**

Urban Planning Division Recommendations:

3. **Prior to Final Plat approval by the City Council, documentation from all of the affected utility companies shall be submitted indicating no objection to the relocation of the utility easement(s);**
4. **Prior to Final Plat approval by the City Council, the applicant shall sign an agreement to consent to a future assessment project for the improvements of Kulpaca Place as it abuts proposed Lots 1R and 2R; and,**

Register of Deed's Office Recommendation:

5. **Prior to City Council approval of the Final Plat, the plat title shall be revised to show "formerly Lots 1, 2, 3, 4, 5 and 6 of Block 3" in parenthesis.**

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

1. Approval of the March 7, 2002 Planning Commission Meeting Minutes.
Mashek requested correction of her first name to minutes.

Mashek requested that her first name be corrected in the March 7, 2002 minutes.

Mashek moved, Hoffman seconded and unanimously carried to approve the minutes of the March 7, 2002 Planning Commission meeting with the one correction. (6 to 0)

5. 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 stated that the applicant has requested that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission.

Mashek moved, Hoffman seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission meeting. (6 to 0)

10. No. 02PL016 - Trailwood Village Subdivision

A request by Doug Sperlich for Gordon Howie to consider an application for a **Layout Plat** on Lots 1 thru 18 of Block 17 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Teak Drive and Covington Street.

Wall expressed his concerns with street widths in Trailwood Village Subdivision, on street parking and access by emergency apparatus.

Wall asked if there needed to be a stipulation regarding the provision of additional off street parking for visitors. Elkins explained that stipulation #4 of the Staff Report identifies that prior to Preliminary Plat approval the applicant shall provide design plans that provide common-use visitor parking at the rate of one paved parking stall per dwelling located within 300 feet of the residence, obtain a Special Exception to the common-use visitor parking requirement, or revise the street plans to reflect sufficient width to allow on-street parking.

Swedlund moved, Hoffman seconded and unanimously carried to approve the Layout Plat with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval, complete engineering drawings for the proposed cul-de-sac shall be submitted for review and approval;
2. Prior to Preliminary Plat approval, the applicant shall submit a utility master plan showing existing and proposed utility mains and service lines;
3. Prior to Preliminary Plat approval, the plat shall be revised to include non-access easements on proposed Lots 1 and 15 along the frontage of Teak Drive and along the proposed cul-de-sac for a minimum distance of 50 feet from the intersection of Teak Drive and the proposed cul-de-sac;
4. Prior to Preliminary Plat approval the applicant shall provide design plans that provide common-use visitor parking at the rate of one paved parking stall per dwelling located within 300 feet of the residence, obtain a Special Exception to the common-use visitor parking requirement, or revise the street plans and plat to reflect sufficient width to allow on-street parking;
5. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer shall be submitted showing the extension of water mains for review and approval;
6. Upon submittal of the Preliminary Plat, grading plans and a complete drainage plan shall be submitted for review and approval;
7. Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
8. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements;

Fire Department Recommendations:

9. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

Emergency Services Communication Recommendation:

10. Upon submittal of the Preliminary Plat, the proposed road name shall be submitted for review and approval;

Air Quality Division Recommendations:

11. An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits;

Urban Planning Division Recommendations:

12. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
 13. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.(6 to 0)**
13. No. 02PL020 - Trailwood Village Subdivision

A request by Doug Sperlich for Gordon Howie to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 6 of Block 17 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Teak Drive and Covington Street.

Seaman distributed revised stipulations to the Planning Commission members for review. Elkins advised that the Engineering Division has recommended approval of the Preliminary and Final Plat with the revised stipulations.

Swedlund moved, Kooiker seconded to recommend that the Preliminary and Final Plat be approved with the revised stipulations.

Hoffman asked what the difference was between the previous recommendation and recommendation with revised stipulations. Elkins advised that the previous staff recommendation was to continue the Preliminary and Final Plat because the Engineering staff did not feel that the applicant had provided adequate information; however, the information has now been submitted and reviewed.

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

Engineering Division Recommendations:

1. **Prior to City Council approval of the Preliminary Plat, a drainage study including detailed drainage and grading plans shall be submitted for review and approval;**

Fire Department Recommendations:

2. **All Uniform Fire Codes shall be continually met;**
3. **Prior to the start of any building construction, fire hydrants shall be installed and operational;**
4. **All streets, turnarounds and access shall comply with all the requirements of the Rapid City Street Design Criteria Manual;**

Air Quality Division Recommendations:

5. **An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits;**

Urban Planning Division Recommendations:

6. **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;

7. Prior to Final Plat approval by the City Council, the petitioner shall either complete the required subdivision improvements or post financial surety in the amount necessary to cover the cost of the required subdivision improvements. (6 to 0)

---HEARING CONSENT CALENDAR---

Wall 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 Items 29 and 32 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Items 17 and 33 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 15 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Kooiker seconded, and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 34 in accordance with the staff recommendations with the exception of Items 15, 17, 20, 29, 32, and 33. (6 to 0)

14. No. 02CA013 - Comprehensive Plan Amendment - Summary of Adoption Action - R&L Subdivision

Planning Commission recommended that the Summary of Adoption Action be approved and authorized publication in the Rapid City Journal.

16. No. 02CA016 - Feigel Subdivision

A request by FMG, Inc. for N.W. Engineering to consider an application for a **Amendment to the Comprehensive Plan revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.9 acre parcel from Heavy Industrial to Medium Density Residential** on Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East North Street and East of Riley Avenue.

Planning Commission recommended that the Amendment to the

Comprehensive Plan revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.9 acre parcel from Heavy Industrial to Medium Density Residential be approved.

18. No. 02OA003 - Expiration of approved Layout Plats and Preliminary Plats
A request by City of Rapid City to consider an application for an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats.

Planning Commission recommended that the Ordinance Amendment be continued to the April 4, 2002 Planning Commission meeting.

- **19** No. 02PD005 - Stoney Creek Subdivision Phase II
A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Planned Development Designation** on the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits shall be allowed unless approved as part of a Final Development Plan.

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

- **21** No. 02PD008 - Johnson School Subdivision
A request by City of Rapid City to consider an application for a **Planned Development Designation** on that portion of SD Highway 44 right-of-way lying south of Lot H1 in Lots A and B of the Johnson School Subdivision located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located a portion of SD Highway 44 right-of-way between School Drive and Twilight Drive.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated Rezoning from No Use District to Light Industrial District.

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Planning Department by close of business on the seventh full calendar day following action by the

Planning Commission.

****22** No. 02PD009 - Johnson School Subdivision

A request by City of Rapid City to consider an application for a **Planned Development Designation** on that portion of Shadow Drive lying between Lots H1 in Lots 4, 5, and 6 of Block 1 and Lot H1 in Lots 3, 4, 5, 6, and 7 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; that portion of School Drive lying south of Lot H1 in the east 88 feet of Lot D located in the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H1 in Lot 8 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 and west of Twilight Drive.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated Rezoning from No Use District to Light Industrial District.

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

23. No. 02RZ010 - Johnson School Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on that portion of Shadow Drive lying between Lots H1 in Lots 4, 5, and 6 of Block 1 and Lot H1 in Lots 3, 4, 5, 6, and 7 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; that portion of School Drive lying south of Lot H1 in the east 88 feet of Lot D located in the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H1 in Lot 8 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 and west of Twilight Drive.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with the Planned Development Designation.

24. No. 02RZ011 - Johnson School Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on that portion of SD Highway 44 right-of-way lying south of Lot H1 in Lots A and B of the Johnson School Subdivision located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on a portion of SD Highway 44 right-of-way between School Drive and

Twilight Drive.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with the Planned Development Designation.

25. No. 02RZ013 - Stoney Creek Subdivision Phase II

A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Rezoning from General Agriculture District and Neighborhood Commercial District to Low Density Residential District** on legally described as a parcel of land located in the NE1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 3, Block 4 of Stoney Creek Subdivision Phase 1, as recorded in Pennington County Register of Deeds Office in Book 30, Page 4; thence N00°06'46"W, 344.73 feet; thence N89°50'04"E, 1319.78 feet; thence S00°10'01"E, 1164.55 feet to a point lying on a curve concave to the south and whose chord bears N62°17'18"W, 115.64 feet; said point is also lying on the northerly right-of-way line of Catron Boulevard; thence continuing along said northerly right-of-way line the following six (6) courses: Thence northwesterly along the arc of said curve to the left whose radius is 2513.09 feet and whose central angle is 02°38'12", an arc length of 115.65 feet to a point of tangency; thence N63°36'24"W, 52.54 feet; thence N32°27'56"W, 107.85 feet; thence N63°36'24"W, 23.24 feet; thence S80°51'12"W, 112.88 feet; thence N63°36'24"W, 459.58 feet; thence departing said northerly right-of-way line N26°23'36"E, 400.00 feet; thence N63°36'24"W, 400.00 feet; thence S26°23'36"W, 400.00 feet to a point on said northerly right-of-way line; thence continuing along said northerly right-of-way line the following two (2) courses; N27°46'08"W, 72.85 feet; thence N63°36'24"W, 85.30 feet; thence departing said northerly right-of-way line N25°26'46"W, 189.65 feet; thence S89°20'46"W, 21.08 feet, to the point of beginning; containing 21.246 acres more or less; and, a parcel of land located in the NE1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 3, Block 4 of Stoney Creek Subdivision Phase I, as recorded in Pennington County Register of Deeds Office in Book 30, Page 4; thence S73°54'41"E, 346.52 feet to the true point of beginning; thence N26°23'36"E, 400.00 feet; thence S63°36'24"E, 400.00 feet; thence S26°23'36"W, 400.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; thence N63°36'24"W, along said northerly right-of-way line, 400.00 feet to the true point of beginning; containing 3.673 acres more or less, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Rezoning from General Agriculture District and Neighborhood Commercial District to Low Density Residential District be approved in conjunction with the Planned Development Designation.

26. No. 02RZ014 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Tract B of SW1/4 SW1/4 less right-of-way, less the east 318.2 feet of Tract B of SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 262 North Cambell Street.

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

27. No. 02RZ015 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on the east 318.2 feet of Tract B of SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1513 E. Philadelphia Street.

Planning Commission recommended that the Rezoning from No Use District to Heavy Industrial District be approved.

28. No. 02RZ016 - Cleghorn Canyon Subdivision No. 2 and Fish Hatchery Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Flood Hazard District** on the North Lot of Block 3 of Cleghorn Canyon No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5100 Cleghorn Canyon Road.

Planning Commission recommended that the Rezoning from No Use District to Flood Hazard District be approved.

30. No. 02SV008 - Stoney Creek Subdivision Phase II

A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** on the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as they are wide be approved.

31. No. 02SV010 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide** on Lots 1R, 2R, 3R, 4R, 5R, and 6R of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

legally described as Lots 1, 2, 3, 4, 5, and 6 of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Oakland Street and Smith Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved.

****34** No. 02UR004 - Owen Mann Tract

A request by Craig Dahlke to consider an application for a **Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet** on Lot 3, Block 1 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 310 Kinney Avenue.

Planning Commission recommended that the Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet be continued to the April 4, 2002 Planning Commission meeting to allow time for the applicant to apply for front and side yard set back variances and a garage height variance on the subject property.

---END OF HEARING CONSENT CALENDAR---

15. No. 02CA015 - Red Rock Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Street Plan Amendment**, an element of the Comprehensive Plan, by removing two proposed collector streets from the Major Street Plan, located within Red Rock Estates Subdivision in the NW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington, County, South Dakota, more generally described as being located southwest Rapid City and surrounding area.

Horton presented the request, reviewed the slides and identified the proposed collector streets to be removed from the Major Street Plan.

Wall asked if the portion of road being removed would be replaced or moved. Horton advised that it would not be replaced. Discussion followed concerning the existing collector into the Red Rock Subdivision and the north/south connection identified on the Major Street Plan between the east/west collector.

Kooiker moved, Hoffman seconded and unanimously carried to recommend that the Major Street Plan Amendment, an element of the Comprehensive Plan, be approved with the following stipulation:

Transportation Planning Division Recommendation:

- 1. That the intersection geometrics of Prestwick Road and Muirfield Drive and the future street in the northwest corner of Red Rocks Estates and Prestwick Road are designed to comply with all City**

standards. (6 to 0)

17. No. 02OA002 - Administrative Approval of Final Plats

A request by City of Rapid City to consider an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats.

Kooiker expressed his concern that the Ordinance Amendment did not have a mechanism for the applicant to appeal a decision made at the Administrative level.

Kooiker moved and Swedlund seconded to recommend that the Ordinance Amendment amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats be continued to the April 4, 2002 Planning Commission meeting and to direct staff to prepare an alternative appeals mechanism in the Ordinance.

Elkins explained that the appeal process allows an applicant to submit a revised Preliminary Plat to modify the conditions of approval.

Kooiker stated that it was his opinion that it is important to add a mechanism into the Ordinance as there needs to be a recourse and due process. Kooiker expressed his concerns with delays to the applicant by having to submit a revised plat.

Elkins stated that staff would not have the authority to change a condition that has been set out by the City Council. She noted that the appeal process would be to amend the Preliminary Plat.

Wall asked if the Preliminary Plat identifies what needs to be done and the Final Plat is certification that all of the requested items have been completed. Elkins concurred.

Wall asked if staff had any power to change any of the conditions. Elkins indicated that Staff does not have the authority to revise the conditions established by the City Council.

Prairie Chicken advised that he is in favor of continuing this item but feels that the present appeal process is adequate and would not support this motion.

Swedlund stated that it was his opinion that having the applicant's recourse stated in the Ordinance was a good idea.

The vote on the motion to continue the Ordinance Amendment amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats be continued to the April 4, 2002 Planning Commission meeting and to direct staff to prepare an alternative appeals mechanism in the

Ordinance was defeated. (2 to 4 with Kooiker and Swedlund voting yes and Hoffman, Mashek, Prairie Chicken and Wall voting no)

Hoffman moved, Mashek seconded and carried to continue the Ordinance Amendment amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats be continued to the April 4, 2002 Planning Commission meeting. (5 to 1 with Swedlund voting no)

****20. No. 02PD007 - Woodridge Subdivision**

A request by All Around Construction, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to reduce the approved parking** on Lot 110 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 600 feet south of West Flormann on Woodridge Drive.

Carter Francis, President of the Woodridge Homeowner's Association, expressed opposition to the Major Amendment to a Planned Residential Development to reduce the approved parking. Francis discussed the population of the Subdivision, parking problems, street width, Fire Department apparatus and access, plans to eliminate on street parking on Woodridge Drive, ingress and egress, and street maintenance. Francis urged the Planning Commission to deny this request to reduce the approved parking.

Harold Fritzsche, resident of Woodridge Subdivision, advised the Planning Commission of the Woodridge Homeowner's Association's discussions relative to this particular parcel, the development of the parcel with parking to the rear of the lots, setbacks and violation of covenants. Fritzsche stated that the Homeowner's Association would like the Planning Commission to deny the request to allow the Homeowner's Association time to meet with the applicant and review the design plans.

Fred Thurston, resident of Woodridge Subdivision, concurred with Fritzsche's comments and requested that this item be continued to allow the Woodridge Homeowner's Association to review a complete set of plans.

Swedlund stated that he sympathizes with the homeowners and in his opinion the applicant should abide by how the neighborhood is trying to protect itself. He supported a continuance to allow dialogue between the applicant and the Homeowner's Association to occur.

Swedlund moved and Kooiker seconded to continue the Major Amendment to a Planned Residential Development to reduce the approved parking to the April 4, 2002 Planning Commission meeting.

Elkins advised that she spoke briefly with Bill Knight, Fire Department, and he indicated that he is not aware of any discussions with the Fire Department relative to access, street widths or on-street parking problems.

Discussion followed concerning private covenants, the City's role in the enforcement of private covenants, alterations to existing plans, and violations of covenants.

The vote on the motion unanimously carried to continue the Major Amendment to a Planned Residential Development to reduce the approved parking to the April 4, 2002 Planning Commission meeting. (6 to 0)

29. 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** 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 stated that the applicant has requested that the Variance to the Subdivision Regulations be continued to the May 9, 2002 Planning Commission meeting.

Hoffman moved, Swedlund seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to May 9, 2002 Planning Commission meeting. (6 to 0)

32. No. 02SV011 - 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 allow a lot more than twice as long as it is wide** 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, South Dakota 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 stated that the applicant has requested that the Variance to the Subdivision Regulations be continued to the April 4, 2002 Planning Commission meeting.

Swedlund moved, Hoffman seconded and unanimously carried to recommend Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide be continued to the April 4, 2002 Planning Commission meeting. (6 to 0)

****33. No. 02UR003 - Feigel Subdivision**

A request by FMG, Inc. for N.W. Engineering to consider an application for a **Major Amendment to a Conditional Use Permit to allow the expansion of a mobile home park** on Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East North Street and East of Riley Avenue.

Kooiker asked if drainage issues would be discussed during the next two weeks. Nelson advised that there were a number of issues related to the site plan infrastructure that Engineering and the applicant's engineer are reviewing.

Kooiker moved, Hoffman seconded, and unanimously carried to continue the Major Amendment to a Conditional Use Permit to allow the expansion of a mobile home park to April 4, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (6 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

35. Approval of the February 21, 2002 Planning Commission meeting minutes.

Kooiker moved, Swedlund seconded, and unanimously carried to recommend approval of the February 21, 2002 Planning Commission minutes with the following revisions to Items 26, 36 and 43:

ITEM #26:

- 1. Insert paragraph 6 on Page 20: Kooiker asked if Fisher had a copy of the original policy that addresses recommended densities and the reasoning for having 10 acre lots. Fisher advised that there is no written policy or ordinance that stipulates 10 acre lots.**
- 2. Delete the following and add question to paragraph 7 on Page 20: ~~In response to a question by Kooiker, Kooiker asked if the subject property was the only lot that will be subdivided and if approval of this request will open up more subdivision in the area.~~**
- 3. Delete paragraph 8 on page 20: ~~Discussion followed concerning stipulation #8 regarding the South Dakota Department of Transportation approach permit and any required improvements.~~**
- 4. Insert new Paragraph 8: Kooiker asked about stopping distances. Fisher stated that stipulation #8 from the South Dakota Department of Transportation requires that an approach permit be**

obtained prior to Final Plat approval by City Council.

5. **Insert new Paragraph 9:** Kooiker asked if the examination of this particular plat was based on all the surrounding plats or on a case by case analysis. He also asked what the totality of this examination is and how far out did we look in determining what direction we wanted to go. Fisher stated that the South Dakota Department of Transportation, City Engineering Division and Pennington County use a formula to determine the average daily trips that would be generated from the proposed density or the existing density in a development that is taking access onto a road section. She added that the South Dakota Department of Transportation also analyzes approaches in close proximity or directly across from those existing approaches that are part of a particular plat.
6. **Add new paragraph 2 on page 21:** Kooiker asked what density was allowed in Low Density Residential. Fisher advised that it requires a minimum three (3) acre lot size. Kooiker expressed his concern about protecting the aquifer when there is nothing in writing.

ITEM #36:

7. **Delete paragraph 7, Page 24 and add:** ~~Kooiker expressed his concerns related to the loss of parking and access.~~ Kooiker asked if there would be enough parking in the area and what kind of waiver is being included for parking. Fisher stated that there would be no parking allowed within the alley itself and added that there is no loss of parking in that respect. Fisher discussed a proposed Ordinance Amendment that would allow Art Centers as a Conditional Use in the Central Business District. Fisher advised that through this Ordinance, staff will review the overall use of the site to insure that there is not a conflict in the hours of operation with this facility and other facilities in the Central Business District area to provide adequate parking for their needs. Fisher stated that the Parking Regulations for museums identify 3.3 parking spaces per 1000.
8. **Insert new Paragraph 8 page 24:** Kooiker expressed his concerns with the speed that this request has been revised and resubmitted. Kooiker also questioned whether the City was being consistent in their Vacation of Right of Way policy. Kooiker expressed his concerns with the Dahl Fine Arts Center being required to have only one handicapped parking stall and the loss of parking. Fisher advised that there are no parking requirements in the Central Business District and as such the only requirement that the Dahl Fine Arts Center needs to meet is the handicapped parking as required by ADA. Fisher stated that the applicant's site plan shows that the private parking located between the MONTANA DAKOTA UTILITIES DAKOTA UTILITIES building and the Faith Temple Church will remain.

9. ~~Delete paragraph 9 page 24: 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.~~

ITEM #43

10. Delete the following and add to paragraph 6 page 31: ~~In response to a question by Kooiker,~~ Kooiker asked whether Planning Commission had heard previous land use requests for this site and what concerns had been expressed by Blessed Sacrament Church.
11. Delete the following and add to paragraph 1, Page 32: ~~In response to a question by Kooiker,~~ Kooiker asked why the Planning Department staff was not providing a recommendation to the Planning Commission on this request.
12. Delete the following and add to paragraph 9, Page 32: ~~In response to a question by Kooiker,~~ Kooiker asked Bjerke if he felt comfortable granting the requested Special Exceptions.
13. Add paragraph 10, page 32: Elkins stated that it was her opinion that granting this plat was not a good idea.

The vote on the motion unanimously carried to approve the February 21, 2002 Planning Commission minutes with the above referenced revisions. (6 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 legally described as 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 713 Seventh Street.

Fisher reviewed the slides and the revised site plan. Fisher stated that if the applicant wishes to pursue the relocation of the alley to the south, the plan must be revised to show the property lines in order to determine if there is sufficient area on the site to relocate the alley and to identify potential impacts the alley relocation may have on the existing parking lot currently located at the site.

Discussion followed concerning notification of the adjacent property owners. Fisher added that the applicant had indicated that the adjacent property owners, Radiology Associates and First Christian Church of Rapid City, had not been contacted.

Fisher stated that staff concurs that relocating the alley in either location will create impacts on the adjacent properties. Fisher added that from a traffic standpoint it appears that relocating the alley to the north to Kansas City Street

as identified on the original site plan will serve the needs of the traveling public and as such staff is recommending that the Vacation of Right of Way be approved with stipulations. Fisher explained that if the Planning Commission determines that it prefers the relocation of the alley to the south to Quincy Street, staff recommends that the request be continued to the April 4, 2002 Planning Commission to allow the applicant time to revise the site plan accordingly and to obtain consent and concurrence of the underlying property owner.

Larry Thompson, Black Hills Region Manager for Montana Dakota Utilities, stated that he had been asked to come before the Planning Commission to clarify a couple of issues relative to the sale of the Montana Dakota Utilities building to the City. Thompson advised that he had checked with several former employees over the past 16 years and determined that no agreement existed concerning a Right of First Refusal between Faith Temple Church and Montana Dakota Utilities. Thompson advised that he first became aware that Bishop Kelly was interested in purchasing the Montana Dakota Utilities building in late 1999 or early 2000. Thompson stated Bishop Kelly had called him after seeing a newspaper article concerning the Dahl's expansion plans to purchase the Montana Dakota Utilities building and indicated that he had an agreement to purchase the Montana Dakota Utilities building should it ever be up for sale. Thompson stated that he had apologized to Bishop Kelly and advised him that he was not aware of any such agreement. Thompson advised that Bishop Kelly could not remember who made that agreement with him. Thompson added that at that time he advised Bishop Kelly that Montana Dakota Utilities had already signed a letter of intent with the Dahl to sell the building to the City for the expansion project but if for some reason that agreement did not take place he would contact him.

Thompson also addressed the natural gas main that runs under the alley between the Dahl Fine Arts Center and the Montana Dakota Utilities building. Thompson explained that this main is an 8" low pressure steel gas main. Thompson stated that codes do prohibit gas lines running under buildings, however, there are options available when there are no other viable options. Thompson reviewed the provisions of Section 3.1.7 of the National Fuel Gas Code which would allow the encasing of the main under the building. Thompson expressed his opinion that in this particular case other alternatives are impractical or uneconomical. Thompson stated that relocation of the alley does put a small additional operational burden on Montana Dakota Utilities but Montana Dakota Utilities is willing to accept this burden to cooperate with the City and the Dahl Fine Arts Center.

Eric Johnson, Managing Artistic Director of the Black Hills Community Theatre, reviewed the Black Hills Community Theatre's growth and needs. Johnson spoke in support of the Dahl's expansion project and asked the Planning Commission to recommend approval of the Vacation of Right of Way.

Evelyn Kelly, Business Administrator of Faith Temple Church, stated that she is not aware of any agreement between Faith Temple Church and Montana Dakota Utilities that would give Faith Temple Church first right to purchase the

Montana Dakota Utilities building. Kelly stated that there was a phone conversation approximately 15-16 years ago with someone at Montana Dakota Utilities where the Church indicated that they would be interested in purchasing the building if it came up for sale. Kelly stated that the Church had hoped that they would have had a chance to offer to purchase the building like any other public entity. Kelly stated that the Church learned about the transfer of the property was through a newspaper article. She added that the Church is not fighting the fact that Montana Dakota Utilities sold the property to City or are they opposed to the expansion of the arts in the community. Kelly stated that the main issue is that the Church does not want an alley beside the church.

Linda Anderson, Executive Director of the Rapid City Arts Council, discussed gallery space, security, temperature and humidity control, arts education programming, financing, and the Dahl's phasing plans and timing.

Vic Bound, member of Faith Temple Church and supporter of the arts, expressed his concerns about the alley design, increased parking, and having an alley exit 150 feet from an intersection. Bound recommended that the Vacation of Right of Way be continued to allow the applicant time to conduct a risk assessment.

Tom Graslie, attorney for the Rapid City Arts Council, reviewed the Dahl's expansion plans, the Montana Dakota Utilities building, costs, other options that have been reviewed and the time line. Graslie requested that the Planning Commission make a decision and not continue this item.

Bishop Lorenzo Kelly, Faith Temple Church, clarified that the main issue is having an alley along the side of the church it is not faith vs. art as depicted in the newspaper. Kelly explained that in 1989, Faith Temple Church did express interest to Montana Dakota Utilities that they would like an opportunity to purchase the Montana Dakota Utilities building if it was ever for sale but there was not any agreement made.

Ron Reed, head of the Expansion Committee, discussed the schematic of the plans, the notification process and meetings held with the neighbors, and the plans to purchase the Montana Dakota Utilities building.

Sharon Colquitt, member of Faith Temple Church, stated that she is opposed to the Vacation of Right of Way. Colquitt reviewed the upgrades and historical value of Faith Temple Church. She stated that in her opinion the Dahl Fine Arts Center and the City have blatantly disregarded the impacts that the Vacation of Right of Way will have on the surrounding neighbors. Colquitt reiterated that Faith Temple Church is not opposed to the arts or the Dahl's expansion plans. She stated that they are opposed to having an alley along side of the building. Colquitt further expressed her concerns with a possible conflict of interest with members of the Planning Commission. Colquitt asked the Planning Commission members to examine their motives and to either recuse themselves or vote to deny the Vacation of Right of Way.

Van Heid, Radiology Associates Administrator, reviewed the services,

diagnostic procedures, and mobile mammography operations provided by Radiology Associates. Heid expressed his concerns with the loss of parking, access to their facility and additional costs. Heid stated that Radiology Associates would like the Vacation of Right of Way continued to allow his staff time to meet with the Dahl Fine Arts Center to discuss the expansion plans and their concerns.

Fred Thurston, architect for the Dahl Fine Arts Center, stated that in 26 years of practicing architecture, he has never done a project that has been so publicly attended or had so many requests for participation. Thurston stated that the Dahl has gone through a very detailed process of getting input and have repeatedly reprogrammed the project. Thurston stated that the Dahl has taken as many people into consideration as possible and has tried to solve as many problems as possible. Thurston discussed traffic counts and the parking study that has been completed. Thurston added that in his opinion the users of the facility are pleased even though they had to make some compromises.

Dan Horn, member of Faith Temple Church, stated that he supports the arts but feels the Dahl should examine other options and feels that the Dahl Fine Arts Center should move to a new location such as the Journey Museum, Fairgrounds or the Civic Center. Horn expressed concerns about the Dahl's future needs and what they were going to do when they outgrow this space. Horn stated that his main concern is the location of the alley along the side of the church and parking issues.

Judy Vidal, Director of the Sweet Adelines Chorus, discussed the smaller art groups and their needs for a new theatre. Vidal believes that the Dahl has done everything possible to accommodate all parties involved and supports the Vacation of Right of Way.

Al Scovel stated that it is his opinion that the Dahl's schematic is misleading. Scovel reviewed his concerns related to the loss of parking, the location of the alley, public safety, installation of an electric transformer, and loading docks. Scovel expressed his strong opposition to the Vacation of Right of Way.

Wall briefly reminded the audience and Planning Commission comments should be in general and not directed to any audience member or member of the Planning Commission.

Swedlund agreed that the Vacation of Right of Way is not about faith vs. art. He added that this issue is all about good planning. Swedlund expressed his opinion that the Dahl's proposal is good planning and it is the best planning available to the community. Swedlund briefly discussed conflict of interest issues and added that he has weighed this issue carefully himself and does not feel that it is necessary for him to recuse himself. Swedlund further discussed preservation of historic sites, parking issues, the feasibility and costs associated with the various expansion options, the needs of a growing community, risk assessment, public notification process, the concerns of the neighbors, and expanding cultural and entertainment opportunities. Swedlund added that he supports the Dahl's expansion plans as well as all of the 2012

projects.

Kooiker stated that he found the discussions today very interesting and believes that this has become a debate between the church and the Dahl and reiterated that this request should have never become a debate about the church vs. Dahl. Kooiker expressed his disappointment that the Planning Commission moved to continue this from the last meeting to discuss a new proposal and that there was no progress in the new proposal and the Radiology Associates had not been contacted about the parking lot. Kooiker advised that he has tried to maintain an open mind and recalled that he had voted to deny this project. Kooiker stated that in his opinion there are three issues: 1) loss of parking; 2) turning radius of the alley and that it is not optimal to have a 90° angle in the Central Business District; and, 3) a private entity requesting a Vacation of Right of Way. He added that other alternatives should be reviewed and not delay this request any longer as it is a disservice to the Dahl, the Church and to the City.

Kooiker moved to deny the Vacation of Right of Way. The motion died for lack of a second.

Hoffman stated that the revised layout does not provide a turnaround and therefore the site plan cannot be supported and he expressed concern that Radiology Associates and First Christian Church have not been contacted.

Hoffman moved, Swedlund seconded to recommend that the Vacation of Right of Way be continued to the April 4, 2002 Planning Commission meeting.

Kooiker stated that he does not feel that a continuance is appropriate and does not think that anything will be gained by continuing this issue other than to further exasperate the issue and add more emotion to it. Kooiker advised that he would not want a wrap around alley around his house or church and planned to vote no on the motion to continue.

Swedlund stated that he supports the motion to continue in order to allow the Dahl and Radiology Associates time to meet and discuss the relocation of the alley. Swedlund addressed Kooiker's concerns and added that he did not feel that there was a turning radius issue. Swedlund advised that private entities have received the identical type of alley vacation that is being discussed today.

Prairie Chicken stated that this request has been an emotional issue. Prairie Chicken stated that he is going to make his decision based on the facts and is opposed to continuing this request as in his opinion it is not fair to either side and is a waste of time. Prairie Chicken stated that he plans to deny this request. Prairie Chicken stated that the request could go onto City Council without a recommendation and the City Council can make the decision.

Wall stated that he supports making a decision today. Wall concurred with Prairie Chicken, that if the City Council chooses to affirm or change the

decision made by the Planning Commission, that is their prerogative.

Swedlund stated the in his opinion he would like to see a vote today. Swedlund stated that Planning Commission has three choices regarding the Vacation of Right of Way; deny the request; continue it; or, approve the request per staff recommendation and let the City Council make the final decision.

Swedlund made a substitute motion and Mashek seconded to recommend approval of the Vacation of Right of Way with the following stipulations:

Engineering Division Recommendations:

1. That the alley shall be relocated extending north to Kansas City Street as identified on the original site plan;
2. Prior to City Council approval, a temporary access easement and a utility easement shall be submitted for review and approval. In addition, the easements shall be recorded at the Register of Deed's Office;
3. Upon submittal of a building permit, construction plans for the relocated alley shall be submitted for review and approval. 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. In addition, the road shall be constructed or surety posted for the improvement;

Fire Department Recommendations:

4. Access shall be maintained at all times around the facility and through the alley;
5. Additional on-site fire hydrant(s) shall be installed as required by the Fire Department; and,

Urban Planning Division Recommendations:

6. Upon submittal of a building permit, the site plan shall be revised to provide one van accessible handicap parking space.

Michael Collins, resident of Rapid City, concurred with Kooiker's comments and again expressed his opposition to the Vacation of Right of Way and the location of the theatre. Collins suggested that the Dahl Fine Arts Center look at other alternatives and locations for the theatre.

Eric Heikus, member of the Arts Council, discussed future growth, good planning, potential parking garages and growth of the downtown area. Heikus stated that he supports the Dahl's expansion plans and the Vacation of Right of Way.

Hoffman stated that he his strongly opposed to the motion to approve per staff recommendations as there are still several issues that need to be resolved.

Swedlund stated that it is his opinion that there are no parking issues.

Swedlund withdrew his substitute motion to recommend approval of the

Vacation of Right with the following stipulations:

Engineering Division Recommendations:

1. That the alley shall be relocated extending north to Kansas City Street as identified on the original site plan;
2. Prior to City Council approval, a temporary access easement and a utility easement shall be submitted for review and approval. In addition, the easements shall be recorded at the Register of Deed's Office;
3. Upon submittal of a building permit, construction plans for the relocated alley shall be submitted for review and approval. 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. In addition, the road shall be constructed or surety posted for the improvement;

Fire Department Recommendations:

4. Access shall be maintained at all times around the facility and through the alley;
5. Additional on-site fire hydrant(s) shall be installed as required by the Fire Department; and,

Urban Planning Division Recommendations:

6. Upon submittal of a building permit, the site plan shall be revised to provide one van accessible handicap parking space.

Thurston asked Fisher if there was a question concerning property lines on the revised site plan. Fisher advised that the plan needs to be revised to show the property lines. Thurston stated that it is his opinion that the Dahl has made every attempt to answer all questions presented and he expressed his opposition to continuing the request.

Kooiker called the question.

The vote on the original motion to continue the Vacation of Right of Way to the April 4, 2002 Planning Commission meeting was defeated (2 to 4 with Swedlund and Hoffman voting yes and Kooiker, Mashek, Prairie Chicken and Wall voting no.

Hoffman moved and Kooiker seconded to recommend that the Vacation of Right of Way be denied.

Swedlund again stated his opinion that it was bad policy to deny the request when there are only six of ten members present and it sends an erroneous and false communication to the community. Swedlund added that the applicant is looking at a capital campaign, a very well publicized one, and to have a public denial of this nature is prejudicial.

Prairie Chicken discussed Roberts Rules of Order and quorums. In response to a question by Prairie Chicken, Elkins advised that once there is not a quorum

there can be no further business acted on, other than to continue the meeting.

Wall commented that the Planning Commission is responsible for making the best possible decision on behalf of the taxpayers. Wall added that he realizes that any decision will have impacts on the neighbors. Wall stated that he plans to vote against the motion to deny and added that he would support a motion to approve. Wall stated that there has been much discussion from both sides and feels that it is time for the Planning Commission to make a recommendation.

The vote on the motion to recommend denial of the Vacation of Right of Way tied. (3 to 3 with Hoffman, Kooiker, Prairie Chicken voting yes and Swedlund, Mashek and Wall voting no)

Elkins advised that the Planning Commission Bylaws indicated that when there is a tie vote the request is sent onto City Council without a recommendation.

Elkins recommended that due to the time, that the Planning Commission continue the balance of the agenda to next Thursday, March 28, 2002 at 7:00 a.m.

Hoffman moved, Swedlund seconded to recess the meeting and continue the balance of the agenda to Thursday, March 28, 2002 at 7:00 a.m.

The meeting recessed at 9:40 a.m.

MEMBERS PRESENT: Ida Marie Fast Wolf, Jeff Hoffmann, Dawn Mashek, Bob Scull, Jeff Stone, Bob Wall, Stuart Wevik and Ron Kroeger, City Council representative

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green, Bill Knight, and Risë Ficken

Chairperson Wevik reconvened the March 21, 2002 Planning Commission meeting on March 28, 2002 at 7:00 a.m.

Elkins requested that Items 37 through 48 be considered concurrently.

37. 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.

38. 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.
39. 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.
40. 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 16 B 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.
41. 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.
42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

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

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

48. 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.

Elkins presented the requests and reviewed the Future Land Use Committee's recommendations. She stated that the applicant has indicated that he can agree to the compromise as recommended by the Future Land Use Committee. She presented the staff reports and explained the recommendations for each application. Elkins added that a large mall site was identified as an alternative designation on the map. She noted that the entire area identified for development as a commercial center would require a Planned Commercial Development if the developer elected to pursue that alternative.

Pat Hahn, South Hill Subdivision resident, reminded the Planning Commission that approximately 100 citizens attended a special Planning Commission meeting in December 2001 and expressed strong objections to the amount of commercial development and the development of a mobile home park proposed to be located on the applicant's property. She advised that she felt this issue was addressed at that time and she objected to the potential for a mobile home park along with the tracts of commercial property as proposed.

Kent Hagg, Attorney and South Hill Subdivision property owner and resident, stated that he felt the public forum in December had tremendous turnout that clearly opposed the trailer park as proposed by the applicant. He expressed concern that the applicant has continued to pursue a Mobile Home Park land use designation for this property.

In response to a question from Hagg, Elkins clarified that the mobile home parks are allowed only as a conditional use in the Medium Density Residential Zoning District.

Hagg urged the Planning Commission to support the opinions of the neighborhood

residents and stop any potential for the location of a mobile home park on this property. He emphasized that he feels the property can be developed as single family residential dwellings, duplexes and apartments. He added that he feels this key corridor into Rapid City should be developed responsibly.

Hoffmann noted that this plan has been reviewed at several meetings and he stated that he feels a relatively good compromise was made in December. He added that because this property is located along a gateway to the community the Planned Development Designation must be retained for all designations. He encouraged the Planning Commission to decline these requests.

Mashek expressed concern with the proposed Light Industrial Designation as identified in Item 42. She stated that she believes a Planned Development must be maintained along with this designation as the intensity of uses permitted in the Light Industrial Zoning District are not all compatible with the adjacent land uses as proposed. She indicated that she could not support Item 43 without a Planned Commercial Development as the neighboring uses are proposed residential and office commercial. She added that she had no objection to applications 02CA001, 02CA002, or 02CA003 as the intensity of uses are not as diverse.

Wall stated that the Future Land Use Committee attempts to balance interests of many parties noting that property is located in a significant site many tourists and visitors will view as they enter the community. He added the concerns expressed by the neighborhood residents at the meeting held at Grandview Elementary School, the property owner and land use issues are all taken into consideration. He noted that the Future Land Use Committee feels there are significant safeguards to prevent the issues raised at Grandview and to address the corridor issues by reserving 550 feet on either side of Catron Boulevard to ensure that the corridor remains attractive and inviting. Wall added that any conditional use in the Medium Density Residential Zoning District would require complete review, Planning Commission review and City Council approval. Wall stated that he is opposed to the location of a Mobile Home Park on the subject property. He noted that the landowner believes there is the potential for the location of a large mall in this portion of Rapid City and the potential for commercial development on this property. He discussed further issues as reviewed by the Future Land Use Committee in preparing the recommendations as submitted to the Planning Commission.

Wall moved and Scull seconded to approve Items 37-48 per staff recommendations.

Mashek made a substitute motion to address each of the Items 37-48 individually. Wall seconded the substitute motion.

Hagg expressed appreciation for the Future Land Use Committee's efforts to address the concerns of the neighboring land owners. He asked that the applicant's request for a Mobile Home Park Designation be denied.

Hoffmann expressed concern that this proposal is contrary to the neighborhood feedback of over 100 citizens in December.

Kroeger requested clarification concerning whether an additional neighborhood meeting should be held to consider the proposed amendments.

Elkins explained that the neighborhood meeting was scheduled in December at the direction of the Planning Commission. She advised that the Planning Commission could continue these requests to a specific date and direct staff to notify all neighborhood residents of the continued hearing to take comments concerning these amendments.

Wall clarified that the two primary objections the public identified at the December 12, 2001 meeting were the large amount of commercial development proposed at that time and the mobile home park. Wall added that it was made clear to the applicant in meetings that a Mobile Home Park is not an acceptable use. He stated that he feels the conditional use permit process provides significant safeguards and that the City's, neighborhood and landowners interests have been balanced.

Hagg requested clarification concerning staff's recommendation for Item 48.

Elkins advised that the recommendation is to deny the application without prejudice so that a request for Medium Density Residential land use can be submitted.

Wevik indicated that he feels that the items can be addressed on an individual basis relatively quickly.

Mashek stated that she would like to vote on Items 41 and 42 separately.

Wall made a Substitute Motion to recommend approval of Items 37-48 per staff's recommendation with the exception of Items 41 and 42.

The substitute motion died due to the lack of a second.

The substitute motion to address each of the Items 37-48 individually failed (3 to 4 with Stone, Wevik and Mashek voting yes and with Wall, Scull, Hoffmann and Fast Wolf voting no)

The motion carried to recommend that action be taken on Items 37-48 as follows:

to recommend that the Amendment to the Comprehensive Plan (02CA001) 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 approved;

to recommend that the Amendment to the Comprehensive Plan (02CA002) 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 approved;

to recommend that the Amendment to the Comprehensive Plan (02CA003) 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 denied for that portion of the property located within 500 feet of Catron Boulevard and approved for the balance of the property;

to recommend that the Amendment to the Comprehensive Plan (02CA004) 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 denied for that portion of the property located within 550 feet of Catron Boulevard and approved for the balance of the property;

to recommend that the Amendment to the Comprehensive Plan (02CA005) 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 denied for that portion of the north 900 feet of Government Lot 3 lying within 550 feet of the Catron Boulevard right-of-way; and approved for the balance of the north 900 feet of Government Lot 3;

to recommend that the Amendment to the Comprehensive Plan (02CA006) 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 approved for the Government Lot 3 less the north 900 feet and approved for Government Lot 4;

to recommend that the Amendment to the Comprehensive Plan (02CA007) 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 denied without prejudice to allow a revised amendment to be submitted;

to recommend that the Amendment to the Comprehensive Plan (02CA008) 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 denied without prejudice to allow a revised amendment to be submitted;

to recommend that the Amendment to the Comprehensive Plan (02CA009) 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 denied without prejudice for the area lying within 550 feet of Catron Boulevard, approved for the area lying more than 550 feet from Catron Boulevard but within 1000 feet of Catron Boulevard and denied without prejudice for the balance of the area;

to recommend that the Amendment to the Comprehensive Plan (02CA010) 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 approved for the north 280 feet of the SW1/4 SE1/4 and denied for the balance of the property;

to recommend that the Amendment to the Comprehensive Plan (02CA011) 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 denied without prejudice so a revised amendment can be submitted; and,

to recommend that the Amendment to the Comprehensive Plan (02CA012) 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 denied without prejudice so a revised amendment can be submitted. (4 to 3 with Wall, Scull, Stone and Fast Wolf voting yes and with Hoffmann, Mashek and Wevik voting no)

49. No. 02CA014 - Stoney Creek Subdivision Phase II

A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Comprehensive Plan Amendment by revising the Major Street Plan from a collector road to a local road with a 52 foot right of way on that portion of Nugget Gulch** on the E1/2 SW1/4, less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Fisher requested that 49 and 50 be considered concurrently.

Fisher reviewed the slides including the area zoning, aerial photograph and site photos and she presented the staff report. She noted staff's recommendation for denial of the applicant's request to reclassify a portion of Nugget Gulch. Additionally, Fisher stated that staff recommends that the associated Plat request be continued to the April 4, 2002 Planning Commission meeting.

Hani Shafai, Dream Design International, presented a map showing the existing road network in the vicinity of the subject property. He identified the existing zoning on the subject property and predicted traffic volumes for this development and Springbrook Acres. He emphasized that he does not feel the traffic that will be generated by this development warrants a collector road status noting that it will be difficult to construct due to the terrain. He requested approval of the Major Street Plan Amendment.

Fast Wolf left the meeting at this time.

Wayne Ripple, Springbrook Acres Homeowners Association Board Member, indicated that he supports Dream Design's request to remove Nugget Gulch from the Major Street Plan. He expressed concern that if Nugget Gulch is designated as a collector street additional traffic would be encouraged to enter and exit the Springbrook Acres development. He added that the Homeowners Association is in the process of having the 112 acre wilderness area in the development designated as a conservation easement. He noted that the development covenants preclude the subdivision of lots within the development.

In response to a question from Wall, Fisher clarified that Nugget Gulch is currently identified on the Major Street Plan as a collector status road throughout the Springbrook Acres development. She advised that the applicant's request is to change the designation only on that portion of Nugget Gulch that extends from Catron Boulevard to the applicant's property line.

Wall noted that the proposed development will provide a secondary access into Springbrook Acres. He requested clarification concerning the type of access that will be provided onto Catron Boulevard and the potential of signalization in the future.

Randy Nelson, Engineering Division, indicated that there is adequate separation between the existing light at the intersection of Sheridan Lake Road to allow for the possible signalization of the intersection of Nugget Gulch and Catron Boulevard. In response to a question from Wall, he noted that the intersection of Nugget Gulch and Catron Boulevard is currently designed with a third lane. Nelson clarified that Nugget Gulch currently functions as a major street and is properly classified. He discussed the geometry, design speed, and impacts of curves and width on collector status versus local status roads. He advised that Nugget Gulch one of two streets that serves this area noting that the Fire Department would access the Springbrook Acres development from both directions. He discussed street widths and the increased grading requirements for a collector street.

Susan Wenzel, advised that she recently purchased property in Springbrook Acres primarily because of the limited traffic and isolated environment. She expressed concern that traffic would increase if Nugget Gulch connects to Catron Boulevard. She noted that she is not opposed to the collector road status as long as no construction is started for several years. She added that she would prefer that no connection to Catron Boulevard were made.

Wevik advised that the current request only affects the southern most portion of Nugget Gulch noting that the portion of Nugget Gulch within Springbrook Acres is not a part of this application.

Shafai expressed concern that collector status roads do not permit on-street parking. He discussed details of the road design including pavement width, right-of-way width, and grading and requested that the application be approved as submitted.

Discussion followed concerning the potential to grant a variance for a reduction in the street width.

Elkins clarified that a Subdivision Variance cannot be granted through a Comprehensive Plan Amendment and that an application for the Subdivision Variance would need to be applied for separately.

Stone moved and Wall seconded to recommend that the Comprehensive Plan Amendment be denied without prejudice.

Discussion followed concerning the procedure and time frame for approval of Subdivision Variances.

Kroeger left the meeting at this time.

Wevik stated that it is difficult to obtain right-of-way noting that he would not support a Subdivision Variance request to reduce the right-of-way.

Shafai expressed his belief that the Street Criteria Manual contains ambiguous classifications and stated his opinion that the traffic that will be accessing and leaving through the development does not warrant the need for a collector street.

The motion unanimously carried to recommend that the Comprehensive Plan Amendment by revising the Major Street Plan from a collector road to a local road with a 52 foot right of way on that portion of Nugget Gulch be denied without prejudice. (6 to 0)

50. No. 02PL012 - Stoney Creek Subdivision Phase II

A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Preliminary and Final Plat** on Lot 24, Block 3; Lots 4, 5, and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and dedicated Nugget Gulch Drive, Harvard Avenue, Columbia Court, Cornell Court and major drainage easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Fisher advised that staff recommends that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting.

Shafai requested that the Preliminary and Final Plat be approved with Stipulation 2 being amended as follows:

2. Prior to ~~Planning Commission~~ **City Council** approval of the Preliminary Plat, Special Exceptions shall be requested, as specified by Section 1.2.5 of the Street Design Criteria Manual, and approved to allow a 42.5 foot cul-de-sac diameter width in lieu of the required 45 foot cul-de-sac diameter width

and to reduce the intersection radii at the Howard Avenue/Nugget Gulch intersection from 25 feet to 15 feet or the road construction plans shall be revised to provide the minimum design standards required by the Street Design Criteria Manual;

and Shafai requested that Stipulation 7 be amended as follows:

7. Prior to City Council approval of the Final Plat, surety shall be posted for Catron Boulevard ~~and Arrowhead Basin Detention~~ improvements as required by the "Agreement for Catron Boulevard Improvements Project and Arrowhead Basin Detention Pond Project" dated September 18, 2000 **and addendums;**

Discussion followed.

Nelson explained that the agreement referred to in Stipulation 7 cannot be modified by the Planning Commission. He stated that the detention must be provided further to the south before additional property is developed.

In response to a question from Wevik, Nelson confirmed that the reference to the Arrowhead Drainage Basin is consistent with the existing agreement.

Hoffman requested clarification concerning staff's recommendation to continue the Preliminary Plat to the April 4, 2002 Planning Commission meeting.

Shafai stated that he feels an existing detention dam on the southern portion of the development was designed to contain drainage from the north side of the project. He added that he does not believe the regional detention facility is necessary to support the proposed development and he objected to posting surety for the regional detention dam at this time as it is unclear how long the surety will be held.

Elkins noted that the agreement referenced by the applicant relates to previous phases of the Stoney Creek Development and is a commitment that the owner has already made.

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show Nugget Gulch as a collector road or a Comprehensive Plan Amendment shall be approved eliminating Nugget Gulch as a collector road from the Major Street Plan;
2. Prior to City Council approval of the Preliminary Plat, Special Exceptions shall be requested, as specified by Section 1.2.5 of the Street Design Criteria Manual, and approved to allow a 42.5 foot cul-de-sac diameter width in lieu of the required 45 foot cul-de-sac

diameter width and to reduce the intersection radii at the Howard Avenue/Nugget Gulch intersection from 25 feet to 15 feet or the road construction plans shall be revised to provide the minimum design standards required by the Street Design Criteria Manual;

3. Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show curb, gutter and sidewalk along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
5. Prior to City Council approval of the Preliminary Plat, geotechnical information demonstrating pavement design shall be submitted for review and approval;
6. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Catron Boulevard and along Nugget Gulch except for approved approach location(s). In addition the plat shall be revised to show a non-access easement along the first fifty feet of the corner lots located at the Columbia Court/Harvard Avenue intersection and the Cornell Court/Harvard Avenue intersection and the first 75 feet of the corner lots located at the Harvard Avenue/Nugget Gulch intersection;
7. Prior to City Council approval of the Final Plat, surety shall be posted for Catron Boulevard and Arrowhead Basin Detention improvements as required by the "Agreement for Catron Boulevard Improvements Project and Arrowhead Basin Detention Pond Project" dated September 18, 2000 and addendums;
8. Prior to City Council approval of the Final Plat, a revised grading and drainage plan shall be submitted for review and approval;

Fire Department Recommendations:

9. 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;
10. The Uniform Fire Code shall be continually met;

Emergency Services Communication Center Recommendation:

11. Prior to City Council approval of the Final Plat, an alternate road name for "Columbia Court" shall be submitted for review and approval and the plat shall be revised accordingly;

Register of Deed's Office Recommendation:

12. Prior to City Council approval of the Final Plat, the plat shall be revised eliminating "Phase II" from the title;

Urban Planning Division Recommendations:

13. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District with a Planned Development Designation;
14. 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;

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

Planning Commission Recommendation:

17. Prior to City Council approval, applicant will submit revised construction plans for review and approval complying with all requirements of the Street Design Criteria Manual.

In response to a question from Elkins, Wall indicated that his motion includes the requirement that the plans will be revised to comply with the Street Design Criteria Manual and no special exceptions will be requested as per the comments from the applicant. Shafai indicated his concurrence.

The motion carried unanimously with the above listed stipulations. (6 to 0)

Elkins requested that Items 51-54 be considered concurrently.

51. **No. 01CA032 - Skyline Pines East**

A request by Wyss Associates for W.E.B. Partners to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12"E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

52. **No. 01PD021 - Section 11, T1N, R7E**

A request by Wyss Associates, Inc. for W.E.B. Partners to consider an application for a **Revocation of Initial Development Plan - Planned Commercial Development** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12"E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start legally described as property described by metes and bounds beginning from a point 973.88 feet at a bearing S 89° 39' 0" East from the NW corner of SE1/4 of Section

11, Township 1 North, Range 7 East, Black Hills Meridian, travel 1363.79 feet at a bearing S 89° 39' 0" East, then travel 107.83 feet at a bearing S 57° 14' 9" West, then travel 63 feet at a bearing S 38° 41' 0" West, then travel 89 feet at a bearing S 68° 55' 0" West, then travel 47 feet at a bearing S 54° 43' 0" West, then travel 95 feet at a bearing S 47° 3' 0" West, then travel 77 feet at a bearing S 69° 31' 0" West, then travel 254.50 feet at a bearing S 45° 26' 11" West, then travel 363.99 feet at a bearing S 34° 35' 20" East, then travel 300.07 feet at a bearing S 45° West, then travel 305.00 feet at a bearing S 34° 36' 5" East, then travel 165.44 feet at a bearing S 45° W, then travel 26.8 feet at a bearing N 89° 39' 0" West, then travel 431.35 feet at a bearing N 22° 2' 42" West, then travel 178.19 feet along a 230 foot LHF curve with a chord bearing N 0° 8' 58" East, then travel 482.32 feet at a bearing N 45° West, then travel 129.8 feet at a bearing South, then travel 319.54 feet at a bearing S 50° 52' 56" W, then travel 349.50 feet at a bearing North, then travel 65.15 feet at a bearing West, then travel 392.28 feet at a bearing N 0° 21' 0" East, to the point of start, parcel described contains approximately 16.87 acres, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

53. No. 01PD062 - Skyline Pines East

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

54. No. 01RZ054 - Skyline Pines East

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

Elkins indicated that these items were continued from the previous Planning Commission meeting at the Planning Commission's direction a result of a letter received from an adjoining property owner. She advised that she had contacted the adjacent property owner's legal counsel who indicated that they would not

appear at the hearing, but stood by the letter they had previously submitted. Elkins noted that the applicant and the adjoining property owner who wrote the letter had been negotiating for purchase of property. Elkins noted that staff's recommendations on these items remain unchanged.

Mashek moved and Stone seconded to recommend that Items 51-54 be approved as follows: that the Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial be approved in conjunction with the associated revocation of the applicable portions of the Initial Development Plan (Planned Development Application No. 01PD021) and approval of the related rezoning and Planned Development Designation; that the Revocation of a portion of the Initial Development Plan - Planned Commercial Development be approved in conjunction with the related rezoning request and Planned Development Designation request; that the Planned Development Designation be approved with the stipulation that no off-premise signs will be allowed on the site; and that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Planned Development Designation.

Wall requested clarification concerning whether a Planned Commercial Development provides sufficient controls for this property. He stated that high volume traffic uses are not appropriate at this site.

Elkins indicated that the applicant has been repeatedly advised that high volume traffic uses are not appropriate for this property.

Wevik stated that he does not feel General Commercial zoning is appropriate for this property noting that if these requests are approved the Planned Development Designation is essential.

The motion carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial be approved in conjunction with the associated revocation of the applicable portions of the Initial Development Plan (Planned Development Application No. 01PD021) and approval of the related rezoning and Planned Development Designation; and to recommend that the Revocation of a portion of the Initial Development Plan - Planned Commercial Development be approved in conjunction with the related rezoning request and Planned Development Designation request and to recommend that the Planned Development Designation be approved with the stipulation that no off-premise signs will be allowed on the site; and to recommend that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Planned Development Designation. (5 to 1 with Wevik voting no)

55. No. 02PL018 - Grimm Addition

A request by Robert and Donald Grimm to consider an application for a **Layout**

Plat on Lot 4 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Balance of Tract B of Government Lot 3 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Creek Drive and Viewfield Avenue.

Elkins advised that the applicant has withdrawn the associated Subdivision Variance request that follows. She indicated that staff recommends that the Layout Plat be approved with stipulations.

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

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along the Creek Drive property line and 50 feet along the Viewfield Drive from the intersection of Creek Drive and Viewfield Drive;
2. Upon submittal of the Preliminary Plat, sewer plans prepared by a Register Professional Engineer showing the extension of the sanitary sewer main along Creek Drive shall be submitted for review and approval;
3. Upon submittal of the Preliminary Plat, water plans prepared by a Register Professional Engineer showing the extension of water mains along Creek Drive and Viewfield Avenue shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, complete engineering plans prepared by a Register Professional Engineer shall be submitted for review and approval, including a complete street design plan and storm water drainage plan for Creek Drive and Viewfield Drive where they abut the subject property;
5. Prior to Preliminary Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division;
6. Prior to Preliminary Plat approval by the Planning Commission, the proposed plat shall be revised to show the existing right of way width along the Creek Drive frontage and show the dedication of additional right of way as necessary to meet the requirements of the Street Design Criteria Manual for arterial streets;
7. Prior to Preliminary Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division;

Fire Department Recommendations:

8. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,

10. 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 or a variance to the Subdivision Regulations shall be obtained. (6 to 0)

56. No. 02SV013 - Grimm Addition

A request by Robert and Donald Grimm to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, street light conduit, water line and pavement on Viewfield Avenue and to waive the requirement to install sewer and street light conduit on Creek Drive** on Lot 4 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the balance of Tract B of Government Lot 3 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Creek Drive and Viewfield Avenue.

Elkins requested that the Planning Commission acknowledge the applicant's withdrawal of this request.

Scull moved, Wall seconded and unanimously carried to acknowledge the applicant's withdrawal of this request. (6 to 0)

57. Discussion Items

None.

58. Staff Items

None.

59. Planning Commission Items

None.

60. Committee Reports

None.

There being no further business, Mashek moved, Wall seconded and unanimously carried to adjourn the meeting at 8:45 a.m. (6 to 0)