



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 25, 2002

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

PLANNING COMMISSION PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green, Rich Wells, Bill Knight, and Nadine Bauer

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

---NON HEARING ITEMS CONSENT CALENDAR---

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

Prairie Chicken requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Hoffman seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 22 in accordance with the staff recommendations with the exception of Items 1 and 11. (9 to 0)

2. Approval of the April 4, 2002 Planning Commission Meeting Minutes.

3. No. 02DU001 - Determination of Use

A request by Basin Electric Power Cooperative to consider an application for an **11-6-19 SDCL Review** 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 Determination of Use be approved with the following stipulations:

Engineering Division Recommendations:

1. That all proposed structures and utility line(s) shall be located a minimum distance of 45 feet from the centerline of the section line highway; and,

Pennington County Highway Department Recommendation:

2. That the proposed access roads shall meet the minimum design standards required by Pennington County Ordinance #14.



4. No. 02PL005 - Wise's Addition

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

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

Engineering Division Recommendations:

1. **Prior to City Council approval of the Final Plat, the plat shall be revised to include a 20 foot wide utility easement along the south property line of proposed Lot 2R;**
2. **Prior to City Council approval of the Final Plat, the plat shall be revised to show the existing waterline easements on proposed Lot 3 and Lot 2R of Block 21 of Wise's Addition;**
3. **Prior to City Council approval of the Final Plat, the plat shall be revised to include all existing utility easements that have utilities located within the easement;**

Air Quality Division Recommendations:

4. **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:

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

5. 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 NE1/4 of NE1/4 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 approved with the following stipulations:



Urban Planning Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and,**
2. **Prior to Final Plat approval by the City Council, the petitioner shall either complete the required subdivision improvements, post financial surety in the amount necessary to cover the cost of the required subdivision improvements or obtain a Subdivision Variance waiving the required subdivision improvements.**

6. **No. 02PL011 - Minnesota Ridge Subdivision**

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Preliminary Plat** on Lots 23 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and 5th Street.

Planning Commission recommended that the Preliminary Plat be continued to the May 9, 2002 Planning Commission meeting to allow the applicant to submit additional information.

7. **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 approved.

8. **No. 02PL022 - Robbinsdale Addition No. 10**

A request by Renner & Sperlich Engineering Co. for Gary Rasmussen to consider an application for a **Preliminary and Final Plat** on Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast and northwest corners of the intersection of Maple Avenue and East Minnesota Street.

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



Engineering Division Recommendations:

1. **Prior to City Council approval of the Preliminary Plat, regulatory signs and street name signs shall be installed; and,**

Transportation Planning Division Recommendations:

2. **Prior to City Council approval of the Final Plat, the plat shall be revised to provide an additional 10 foot of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations waiving the requirement must be obtained.**

9. **No. 02PL026 - Knights Acres Subdivision**

A request by D.C. Scott Co. Land Surveyors for Thomas Knight to consider an application for a **Layout Plat** on Lot 4 Revised and Lot 5 Revised of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as Lot 4 and Lot 5 of Knights Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Longview Road and west of Anderson Road.

Planning Commission recommended that the Layout Plat be continued to the May 23, 2002 Planning Commission meeting to allow the applicant time to submit a site plan showing existing development of the property.

10. **No. 02PL027 - Trailwood Village Subdivision**

A request by Renner & Sperlich Engineering Co. for Gordon Howie to consider an application for a **Preliminary and Final Plat** on Lots 1, and 5 thru 15 of Block 17 of Trailwood Village located in the E1/2 of the SW/14 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract 5 of Trailwood Village located in the E1/2 of the SW/14 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of Covington Street and Teak Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.

12. **No. 02PL029 - Murphy Ranch Estates**

A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the May 23, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.



13. No. 02PL030 - 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 6A and 6B of Block 2 of Park Meadows Subdivision, located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 6 of Block 2 of Park Meadows Subdivision, located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Smith Avenue and East Oakland Street.

Planning Commission recommends that the Preliminary and Final Plat be approved.

14. No. 02PL031 - 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 3A and 3B of Block 2 of Park Meadows Subdivision, located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 3 of Block 2 of Park Meadows Subdivision, located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Smith Avenue and East Oakland Street.

Planning Commission recommends that the Preliminary and Final Plat be approved.

15. No. 02PL032 - Huffman Subdivision

A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. to consider an application for a **Preliminary Plat** to create one lot on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street.

Planning Commission recommended that the Preliminary Plat be continued to the May 23, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

16. No. 02PL033 - Trailwood Village

A request by Renner & Sperlich Engineering Co. for Gordon Howie to consider an application for a **Layout Plat** on Lot 16 thru 24 of Block 14, Lots 7 thru 19 of Block 15, located in the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract T of Trailwood Village located in the NE1/4 of the SE1/4 of Section 10,



T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on Shad Street.

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

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, a grading plan and a complete drainage plan shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, complete sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and services lines shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat, complete water line plans for the extension of water mains shall be submitted for review and approval;
4. Upon submittal of a 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 that complies with all requirements of the Street Design Criteria Manual or the applicant shall apply for Special Exceptions to the Street Design Criteria Manual;

Fire Department Recommendations:

5. 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;

Air Quality Division Recommendations:

6. 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:

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

17. **No. 02PL034 - Devine Subdivision**

A request by Jeffrey L. Devine to consider an application for a **Layout Plat** on Lots 1 and 2 located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Tract B less Lot H1 of Tract B located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Philadelphia Street and east of Cambell Street.



Planning Commission recommended that the Layout Plat be continued to the May 9, 2002 Planning Commission meeting to allow the applicant to submit additional required information.

18. No. 02PL035 - Canyon Lake Heights Subdivision

A request by Renner & Sperlich Engineering Co. for Dean Kelly Construction to consider an application for a **Layout Plat** on Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8 located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Cliff Drive and Miracle Place.

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

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, topographic information and a grading plan shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
5. Upon submittal of the Preliminary Plat, the plat shall be revised to show the proposed access and utility easement with a minimum 45 foot wide right-of-way;
6. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for Cliff Drive, Miracle Place and the proposed access and utility easement;
7. Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cliff Drive;

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;

9. Prior to Preliminary Plat approval by the City Council, the application shall submit a Wild Fire Mitigation Plan to the Fire Department for review and approval;
10. Upon submittal of the Preliminary Plat, the plat shall be revised to provide an emergency turnaround at the western terminus of the proposed 40 foot wide access and utility easement;
11. Upon submittal of the Preliminary Plat, the proposed access and utility easement must be revised to align with Miracle Place;

Emergency Services Communication Center Recommendation:

12. Prior to Final Plat approval by the City Council, a road name change shall be approved to change the road name of "Miracle Place". The proposed road name shall be reviewed and approved by the Emergency Services Communication Center and, subsequently, approved by the City Council;

Urban Planning Division Recommendations:

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

19. **No. 02PL037 - Auburn Hills Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison's Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, more generally described as being located west of Haines Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission meeting to allow the applicant to submit a revised drainage plan and to adjust the construction plans to comply with the proposed phasing plan.

20. **No. 02SR001 - 11-6-19 SDCL Review**

A request by the City of Rapid City to consider an **11-6-19 SDCL Review** on Lot B of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1950 Promise Drive.

Planning Commission recommended that the 11-6-19 SDCL Review be



approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit, a revised grading plan noting all changes as outlined on the red-lined plans and including a sediment and erosion control plan shall be submitted for review and approval;
2. Prior to issuance of a building permit, a geotechnical report shall be submitted for review and approval;
3. Prior to occupancy of the structure, sidewalks shall be installed along the entire frontage of the property on Promise Drive or surety shall be posted;
4. Prior to issuance of a building permit, required revisions to the sewer and water plans shall be submitted for review and approval;

Fire Department Recommendations:

5. All construction shall comply with the comments and conditions outlined in the Plan Review Comment Sheet dated 3/18/02;

Air Quality Division Recommendations:

6. If one acre or more of the site is disturbed, an air quality permit shall be obtained;

Urban Planning Division Recommendations:

7. Prior to issuance of a building permit, a revised site plan identifying the property boundaries shall be submitted for review and approval. The site plan shall identify compliance with the minimum required setbacks for the Public zoning district;
8. Prior to issuance of a building permit, a revised site plan identifying compliance with all applicable landscaping requirements shall be submitted for review and approval;
9. Prior to issuance of a building permit, a revised site plan shall be submitted identifying compliance with the minimum off-street parking requirements. A minimum of one van accessible handicap parking stall shall be identified and all off-street parking spaces shall be identified as a minimum of 18 feet deep with a 26 foot minimum access aisle width; and,
10. The structure shall be used as a fire station, support areas, storage, alternate computer backup facility, city or county offices or as a community room. However, if the site is used for a community room, the number of off-street parking spaces provided shall meet the minimum requirement of the Rapid City Municipal Code.

21. No. 02SR002 - 11-6-19 SDCL Review

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review** on Tract A-B of the SE1/4 NE1/4 and the NE1/4 SE1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at West Middle School, 1003 Soo San Drive.



Planning Commission recommended that the 11-6-19 SDCL Review be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit, additional information and minor corrections to the water, sewer and driveway approach designs shall be submitted for review and approval;
2. Prior to issuance of a building permit, additional drainage information shall be submitted for review and approval;
3. Site distance triangles shall be maintained at all times, including during construction on the site and following installation of all landscaping;

Fire Department Recommendations:

4. The gymnasium/community center shall be protected throughout with an approved fire sprinkler system meeting all applicable provisions of the NFPA 13; and,
5. Prior to issuance of a building permit, all conditions and comments as outlined in the Plan Review Comment Sheet dated February 18, 2002 shall be met.

22. **No. 02SR003 - 11-6-19 SDCL Review**

A request by City of Rapid City to consider an **11-6-19 SDCL Review** Tract F and the N1/2 vacated Meade Street located south and adjacent and the W1/2 vacated Circle Drive aka Park Circle located east and adjacent to said Tract F; Lot 1-43 and the W1/2 vacated Lincoln Avenue adjacent and the N1/2 vacated Grand Boulevard adjacent and vacated alley within Block 20 and the S1/2 vacated Meade Street north and 1/2 vacated Circle Drive aka Park Circle Drive; Block A and 1/2 vacated Circle Drive aka Park Circle located adjacent to said Block A; Lot 1-43 and the E1/2 vacated Lincoln Avenue adjacent and the N1/2 vacated Grand Boulevard adjacent and vacated alley within Block 21 and 1/2 vacated Circle Drive aka Park Circle adjacent; and, Block D-E and the S1/2 vacated Grand Boulevard adjacent to said Blocks, more generally described as being located at South Middle School, 2 Indiana Street.

Planning Commission recommended that the 11-6-19 SDCL Review be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit, additional information and minor corrections to the water, sewer and driveway approach designs shall be submitted for review and approval;
2. Prior to issuance of a building permit, additional drainage information shall be submitted for review and approval;
3. Site distance triangles shall be maintained at all times, including during construction on the site and following installation of all landscaping;

Fire Department Recommendations:

4. The gymnasium/community center shall be protected throughout



- with an approved fire sprinkler system meeting all applicable provisions of the NFPA13; and,
5. **Prior to issuance of a building permit, all conditions and comments as outlined in the Plan Review Comment Sheet dated February 18, 2002 shall be met.**

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

1. Approval of the March 21, 2002 Planning Commission Meeting Minutes.

In response to a question by Prairie Chicken, Elkins advised that the March 21, 2002 Planning Commission minutes were not approved at the April 4, 2002 Planning Commission meeting because the minutes were not completed and ready to be sent out with the April 4, 2002 Planning Commission packet.

Prairie Chicken moved, Stone seconded and carried unanimously to approve the March 21, 2002 Planning Commission meeting minutes. (9 to 0)

11. No. 02PL028 - Kepp Heights #4

A request by Renner & Sperlich Engineering Co. for Robert E. Moore to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Flormann Street and Skyline Drive.

Dave Melvin, adjacent property owner, expressed his opposition to the Preliminary and Final Plat. Melvin expressed his concerns regarding drainage, slope stability, and the request for a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalks along Skyline Drive.

Discussion followed concerning the staff's recommendation to continue the Preliminary and Final Plat to allow the applicant to submit additional information.

Stanford Adelstein explained that he was an officer of a partnership that had been established to purchase the subject property and to have it set aside as part of Skyline Drive Park. Adelstein stated that he had concerns regarding pending litigation and ownership of the property. He also expressed his opposition to the Preliminary and Final Plat and requested that the Planning Commission table or deny the applicant's request.

Kooiker expressed his concerns about the viability of the plat relative to drainage.



Elkins advised that the staff recommends that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission meeting to allow staff time to work with the applicant regarding design and layout of the subdivision.

Discussion followed concerning ownership of the property. Elkins stated that ownership will have to be resolved prior to Final Plat approval by City Council.

In response to a question by Wall, Green advised that typically a lis pendens filing only provides notice to other persons that there is litigation pending regarding a certain piece of property and does not prevent transfer of the property or other actions related to the property. He added that this action gives notice that the person who is the record owner may not be the record owner at the end of the litigation. Green suggested that the Planning Commission continue the Preliminary and Final Plat in accordance with staff's recommendation. Green added that prior to Final Plat approval, staff will review the ownership issue in detail.

Adelstein expressed his opposition to the recommendation to continue the Preliminary and Final Plat request.

Swedlund stated that in his opinion the Planning Commission should not taken any action on the Preliminary and Final Plat that would acknowledge the right of ownership until the litigation is completed.

Lengthy discussion followed concerning pending litigation, property ownership, parties to the lawsuit, witnesses, and land records.

Wall moved and Hoffman seconded to continue the Preliminary and Final Plat to the May 9, 2002 Planning Commission meeting.

Swedlund stated that he will vote against the continuance and added that the Preliminary and Final Plat should be continued indefinitely.

Kooiker concurred with Swedlund but suggested that the Planning Commission deny without prejudice.

Elkins explained that it would not be appropriate to table or continue the Preliminary and Final Plat indefinitely and clarified that under State law there is a set time period in which the Planning Commission and City Council must act on a plat or it is automatically approved.

Kooiker made a substitute motion and Swedlund seconded to recommend that the Preliminary and Final Plat be denied without prejudice.

Wevik discussed the Planning Commission's responsibility for the orderly development and planning of the property. Wevik stated that in his opinion a continuance is appropriate.



The vote on the substitute motion to recommend that the Preliminary and Final Plat be denied without prejudice failed. (2 to 7 with Kooiker and Swedlund voting yes and Fast Wolf, Hoffman, Mashek, Prairie Chicken, Stone, Wall and Wevik voting no).

Swedlund again stressed his concerns with the pending litigation and the Planning Commission remaining neutral. Swedlund requested that the City Attorney provide the Planning Commission direction concerning the status of the litigation.

The vote on the motion to recommend that the Preliminary and Final Plat be continued to the May 9, 2002 Planning Commission meeting carried. (7 to 2 with Fast Wolf, Hoffman, Mashek, Prairie Chicken, Stone, Wall and Wevik voting yes and Kooiker and Swedlund voting no).

---HEARING CONSENT AGENDA---

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

Staff requested that Items 37, 50 and 53 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Items 45 and 46 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Wall seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 23 through 53 in accordance with the staff recommendations with the exception of Items 37, 45, 46, 50 and 53. (9 to 0)

23. No. 01CA032 - Skyline Pines East
Summary of Adoption Action - Amendment to the Comprehensive Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.
24. No. 02CA001 - Section 19, T1N, R8E
Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.
25. No. 02CA002 - Section 19, T1N, R8E
Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.



Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the Major Street.



Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

33. No. 02CA015 - Red Rock Estates Subdivision

Summary of Adoption Action - Amendment to the Comprehensive Plan by revising the Major Street.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

34. No. 02CA016 - Feigel Subdivision

Summary of Adoption Action - Amendment to the Comprehensive Plan revising the North Rapid Neighborhood Area Future Land Use Plan.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

35. No. 02CA017 - Sections 4 and 5, T1N, R7E

Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 21.28 acre parcel from General Agriculture District to Public District.

Planning Commission recommended approval of the summary and authorized publication in the Rapid City Journal.

36. No. 02CA018 - Mahoney Addition

A request by Harold L. Bies for Kathleen Morris to consider an application for an **Amendment to the Comprehensive Plan revising the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a .95 acre parcel from Low Density Residential to Medium Density Residential** on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Lindbergh Avenue and Wood Avenue.

Planning Commission recommended that the Amendment to the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a .95 acre parcel from Low Density Residential to Medium Density Residential be approved.

38. 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 May 9, 2002 Planning Commission meeting.



39. No. 02OA005 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment** to increase the size of garages allowed as permitted uses from 1000 square feet to 1500 square feet and to require a Conditional Use Permit for garages larger than 1500 square feet by amending Section 17.04.315 of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment be approved.

40. No. 01PD064 - South Boulevard Addition

A request by Bryan K. Gonzales for Pride Neon, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Flormann Street.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development to revise the sign package be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the uncompleted site improvements shall be completed or surety shall be posted in the amount necessary to cover the cost of the improvements;

Building Inspection Department Recommendations:

2. That no off premise signs shall be allowed on the property;
3. That a sign permit shall be obtained prior to installation of any signs;
4. That all provisions of the Rapid City Sign Code shall be continually met;

Urban Planning Division Recommendations:

5. That a minimum of 10,000 square feet of office space shall remain vacant until the applicant has provided evidence that a minimum of 40 additional parking spaces have been secured that comply with the requirements of the Off-Street Parking Ordinance;
6. That all of the stipulations of approval of the previously approved Planned Commercial Development, #00PD007 with the exception of condition #17 and all conditions of Major Amendment #00PD026 must be continually met;



7. **Prior to City Council approval, the applicant shall replace the trees along the east property line that do not meet the height requirements of stipulation number 6 of the Major Amendment to a Planned Commercial Development approved by the City Council on July 24, 2000 or post surety for the replacement of the trees within sixty days of the approval of this amendment by the City Council.**

41. No. 02PD003 - Wise's Addition

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

Planning Commission recommended that the Planned Commercial Development - Final Development Plan be continued to the May 9, 2002 Planning Commission meeting to allow the applicant time to provide a sign package.

42. No. 02RZ019 - Wise's Addition

A request by Thurston Design Group, LLC for Youth & Family Services, Inc. to consider an application for a **Rezoning from Neighborhood Commercial District to Office Commercial District** on a portion of Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning. Thence, first course: S00°08'23"W, along the westerly boundary of said Lot3Rev., common to the easterly boundary of said Lot 2, a distance of 74.51 feet; Thence, second course: S89°58'51"W, along the southerly boundary of said Lot 2, common to the northerly boundary of Lot4Rev. of Block 6 of said Wise's Addition, a distance of 25.90 feet; Thence third course: N00°03'44"E, a distance of 74.64 feet, to a boundary corner common to said Lot 2 and said Lot4Rev.; Thence, fourth course: S89°44'13"E, along the boundary line common to said Lot 2 and said Lot4Rev., a distance of 26.00 feet, to the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning, more generally described as being located at 818 North Maple Avenue.

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

**43. No. 02UR009 - Wise's Addition

A request by Thurston Design Group, LLC for Youth & Family Services, Inc. to consider an application for a **Conditional Use Permit to allow a public parking area in the Neighborhood Commercial Zoning District** on Lot 2 of Block 21, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31,



T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 818 North Maple Avenue.

Planning Commission recommended that the Conditional Use Permit to allow a public parking area in the Neighborhood Commercial Zoning District be approved with the following stipulations:

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.

Urban Planning Division Recommendations:

1. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years; and,
2. That all requirements of the Off-Street Parking Ordinance shall be continually met.

****44. No. 02PD012 - Fountain View Subdivision**

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

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

Engineering Division Recommendations:

1. Prior to the approval of the Final Development Plan by the Planning Commission, final construction plans for the extension of sanitary sewer, drainage improvements and road improvements for that portion of Harmony Heights Lane that abuts the subject property, extending to the east lot line of Tract A, Fountain View Subdivision, shall be submitted for review and approval;
2. Prior to approval of the Final Development Plan by the Planning Commission, site grading, paving and drainage information and construction plans for the extension of private water system(s) and private sanitary sewer system(s) to serve Phase 4 shall be submitted for review and approval;
3. Prior to approval of the Final Development Plan by the Planning Commission, a final hydraulic design summary for the proposed storm sewer shall be submitted for review and approval. In addition, drainage easements shall be provided as required;



4. Prior to approval of the Final Development Plan by the Planning Commission, the red lined drawings shall be revised and returned for review and approval;
5. Prior to issuance of a Certificate of Occupancy the internal road shall be completed in Phase 2, Phase 3 and Phase 4 to insure a second point of access to the development. In addition, that portion of Harmony Heights Lane located adjacent to the subject property shall be constructed;

Fire Department Recommendations:

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

Building Inspection Division Recommendation:

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

Urban Planning Division Recommendations:

10. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;
11. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
12. All lighting, excluding street lighting, shall be directed so as to reflect away from the adjacent residential development, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard;
13. A minimum of 134,160 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. A minimum of 91 parking spaces shall be provided with four handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; and,
15. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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.

47. 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide be continued to the May 9, 2002 Planning at the applicant's request.

48. No. 02SV014 - Auburn Hills Subdivision

A request by Dream Design International, 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 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison's Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, more generally described as being located west of Haines Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be continued to the May 9, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.

49. No. 02SV015 - Kepp Heights #4

A request by Renner & Sperlich Engineering Co. for Robert E. Moore to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Flormann Street and Skyline Drive.



Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks be continued to the May 9, 2002 Planning Commission meeting to be heard in conjunction with the associated plat.

51. No. 02SV017 - Huffman Subdivision

A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks be approved with the stipulation that the applicant shall sign a waiver of right to protest agreement for the required improvements.

52. No. 02UR008 - Section 20, T2N, R8E

A request by Davis Engineering for Gary & Shirley Wolff to consider an application for a **Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District** in the SW1/4 SW1/4 and the N8/10ths of W1/2 W1/2 of SE1/4 SW1/4, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 Seger Drive.

Planning Commission recommended that the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the May 9, 2002 Planning Commission meeting to allow the applicant to submit a revised site plan, to remove debris from the property and to remove structures from the Ellsworth Air Force Base water main easement.

---END OF HEARING CONSENT CALENDAR---

37. No. 02RZ018 - Mahoney Addition

A request by Harold L. Bies for Kathleen Morris to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Lindbergh Avenue and



Wood Avenue.

Elkins advised that staff recommends that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the May 9, 2002 Planning Commission to allow the applicant to submit the green cards.

Swedlund moved, Hoffman seconded and carried unanimously to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the May 9, 2002 Planning Commission meeting. (9 to 0)

Elkins requested that Items 45 and 46 be considered concurrently.

45. No. 02RZ020 - Section 16, T1N, R7E

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Rezone from General Agricultural District to Low Density Residential** on a parcel of land within the NE1/4 of the NE1/4, Section 16, T1N, R7E, BHM, described by metes and bounds as follows: From the NE Section Corner of Section 16 go S00°01'13"W for a distance of 30.00 feet then N89°43'19"W for a distance of 25.00 feet to the Point of Beginning. Thence S00°01'13"W parallel to the East Section Line for a distance of 225.00 feet. Thence N89°43'19"W for a distance of 121.01 feet. Thence S14°19'10"W for a distance of 344.24 feet. Thence S40°29'02"W for a distance of 245.73 feet. Thence S81°53'46"W for a distance of 608.83 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N14°12'22"W for a chord distance of 99.93 feet and radius of 470.00 feet. Thence S69°41'29"W for a distance of 107.08 feet. Thence N89°43'59"W for a distance of 209.88 feet to the 1/16 line. Thence N00°16'01"E along the east boundary of Block 1 of Parkridge Village for a distance of 310.08 feet. Thence N00°19'42"E for a distance of 292.43 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N11°48'15"E for a chord distance of 150.63 feet with a radius of 378.28 feet. Thence S89°43'19"E along the South ROW of Nicklaus Drive for a distance of 1269.31 feet to the Point of Beginning, more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

46. No. 02RZ021 - Section 16, T1N, R7E

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Rezone from General Agricultural District to Low Density Residential** on legally described as a parcel of land within the NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM described by metes and bounds as follows: From the Point of Beginning, being the SE corner of the NE1/4 of the SE1/4, go N89°43'18"W along the 1/16 Line for a distance of 1333.50 feet to the SE 1/16 corner of Section 16. Thence N00°05'20"W along the 1/16 Line for a distance of 561.80 feet. Thence N64°57'46"E for a distance of 62.20 feet. Thence S30°17'55"E for a distance of 130.55 feet. Thence N64°57'46"E for a distance of 286.82 feet. Thence N55°49'01"E for a distance of 60.00 feet to a point on a curve. Thence south easterly on a curve to the left with a chord



bearing of S41°19'14"E for a chord distance of 67.10 feet and a radius of 270.00 feet. Thence N41°32'30"E for a distance of 70.00 feet. Thence N79°34'02"E for a distance of 179.72 feet. Thence N04°05'26"E for a distance of 128.26 feet. Thence N78°33'14"E for a distance of 134.93 feet. Thence N87°50'42"E for a distance of 333.96 feet. Thence S00°00'00"W for a distance of 182.50 feet. Thence S85°54'34"E for a distance of 160.61 feet to the east Section Line of Section 16. Thence S00°00'52"W along the Section Line for a distance of 644.83 feet to the Point of Beginning, more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

Elkins explained that the existing Comprehensive Plan is inconsistent with the applicant's request. Elkins added that the applicant recently submitted a Comprehensive Plan Amendment and staff is recommending that the rezoning requests be continued to the May 9, 2002 Planning Commission to be acted on in conjunction with the Comprehensive Plan Amendment.

Elkins explained that the applicant did not submit a Comprehensive Plan Amendment at the time he submitted the two rezoning requests. Elkins added that during the review, staff identified that a Comprehensive Plan Amendment was necessary and took a late submittal in an attempt to expedite the application.

George Dunham, the applicant, stated that he was not aware that he had to request the Comprehensive Plan Amendment.

Discussion followed concerning notification to the applicant, a two week delay, staff's review, statutory requirements and the existing Comprehensive Plan.

In response to a question by Wall, Elkins advised that there is an existing Comprehensive Plan for the entire community. Elkins stated that the updates are revising the existing Comprehensive Plan neighborhood by neighborhood.

Kooiker stated that he empathizes with the applicant but supports the continuance so that the Comprehensive Plan Amendment and the two rezoning requests can be heard in conjunction.

In response to a question by Dunham, Elkins advised that the Comprehensive Plan Amendment and the two rezoning requests could be considered and action taken at the May 9, 2002 Planning Commission meeting. Elkins recommended that the plat requests be considered separately.

In response to a question by Kooiker, Elkins stated that theoretically it is possible to consider and take action on all of the applicant's requests at the May 9, 2002 Planning Commission meeting depending on what information the applicant has recently submitted and the status of the plats.

A brief discussion followed concerning landscape islands. Elkins recommended addressing Mr. Dunham's memo and the islands during the review of Items 58 thru 61.



Kooiker moved and Wall seconded to recommend that both requests for Rezoning from General Agricultural District to Low Density Residential be continued to the May 9, 2002 Planning Commission meeting.

Discussion followed concerning placement of the continued items on the agenda for May 9, 2002.

The vote on the motion carried unanimously to recommend that both requests for Rezoning from General Agricultural District to Low Density Residential be continued to the May 9, 2002 Planning Commission meeting. (9 to 0)

50. No. 02SV016 - Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Elkins advised that the applicant has requested that the Variance to the Subdivision Regulations be continued to the May 23, 2002 Planning Commission meeting and that is staff's recommendation.

Wall moved, Swedlund seconded and carried unanimously to recommend that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, street light conduit, dry sewer and water be continued to the May 23, 2002 Planning Commission meeting at the applicant's request.

**53 No. 02UR010 - Rapid City Greenway Tract

A request by City of Rapid City for Black Hills Heritage Festival, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District** on Tract 20 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Memorial Park - west of Fifth Street between Omaha Street and New York Street.

Elkins advised that the staff is recommending that the Major Amendment to a Conditional Use Permit be continued to the May 9, 2002 Planning Commission to allow the applicant time to post the sign on the property.

Stone moved, Hoffman seconded to recommend that the Major Amendment to a Conditional Use Permit to allow temporary structures in



the Flood Hazard Zoning District be continued to the May 9, 2002 Planning Commission meeting.

Discussion followed concerning scheduling problems and posting of the sign.

Kooiker expressed his concerns with stipulation #5 of the staff report concerning placement of banners. Elkins explained that the placement of banners within the public right-of-way on fences is a violation of the Sign Code and stipulation #5 is enforcing existing regulations. Elkins added that the Planning Commission can remove this stipulation from the recommendation but cannot authorize banners in the public right-of-way or on fences in violation of the Sign Code.

Kooiker stated that he wanted the record to reflect that he has deep concerns about delays and scheduling.

Swedlund stated that in his opinion the Sign Code should be revised to deal with temporary types of situations such as festivals.

The vote on the motion carried unanimously to recommend that the Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District be continued to the May 9, 2002 Planning Commission meeting. (9 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

54. No. 02OA002 – Administrative Approval of Final 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 16.08.035 pertaining to Administrative Approval of Final Plats.

Elkins stated that the staff is recommending that the Ordinance Amendment be continued to the May 9, 2002 Planning Commission meeting to allow staff time to notify developers and engineers in the community.

In response to a question by Kooiker, Green advised that there is a specific provision in State law that allows the City to designate an administrative official to grant Final Plat approval. Green added that this provision applies to all municipalities and applies to Rapid City under an aldermanic form of government.

In response to a question by Kooiker, Elkins advised that the draft ordinance outlines that there would be no fee for an appeal and the appeal would have to be submitted on Wednesday at 4:00 p.m. before the City Council meeting.

Hoffman moved, Kooiker seconded and carried unanimously to continue the Ordinance Amendment to the May 9, 2002 Planning Commission meeting. (9 to 0)



55. No. 01PL127 – Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Elkins stated that staff recommends that the Preliminary Plat be continued to the June 6, 2002 Planning Commission meeting to allow the applicant to submit additional information.

Hoffman moved, Wall seconded and carried unanimously to recommend that the Preliminary Plat be continued to the June 6, 2002 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Stone abstaining)

Fisher requested that Items 56 and 57 be considered concurrently.

56. No. 02PL036 - Robbinsdale Addition No. 10

A request by Renner & Sperlich Engineering Co. for Gary Rasmuson to consider an application for a **Preliminary and Final Plat** on Lot 19 of Block 6, Robbinsdale Addition No. 10, located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at northwest corner of 5th Street and Minnesota Street.

57. No. 02SV019 - Robbinsdale Addition No. 10

A request by Renner & Sperlich Engineering Co. for Gary Rasmuson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for additional right-of-way** on Lot 19 of Block 6, Robbinsdale Addition No. 10, located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of 5th Street and Minnesota Street.

Fisher presented the requests and identified the slides, zoning, surrounding uses and dedicated right-of-way. Fisher stated that staff is recommending that the Preliminary and Final Plat be approved with stipulations and the Variance to the Subdivision Regulations to waive the requirement for additional right-of-way be denied.

In response to a question from Wall, Elkins advised that when the right-of-way was obtained it was classified as a collector road. She added that the classification has since been changed to a minor arterial road on the Major



Street Plan and requires a minimum 100 foot right-of-way.

Wall moved, Mashek seconded and carried unanimously 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 Final Plat, the plat shall be revised to provide ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained; and,**
2. **Prior to City Council approval of the Final Plat, the plat shall be revised to show a shared access easement at the southeast corner of the subject property; and,**

to recommend that the Variance to the Subdivision Regulations to waive the requirement for additional right-of-way be denied. (9 to 0)

Seaman requested that Items 58 and 61 be considered concurrently.

58. **No. 02PL038 - Section 16, T1N, R7E**

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Preliminary and Final Plat** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Drive, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 NE1/4 SE1/4 and the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

61. **No. 02SV021 - Section 16, T1N, R7E**

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide, and to allow curbside sidewalk with roll curb** on Dixon Court on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Court, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

Seaman presented the requests and identified the slides, zoning, and surrounding uses.



Discussion followed concerning non-access easements, Heidiway Lane improvements, design considerations regarding cul-de-sacs, Severson Street/Dunham Drive intersection and the road connection to Corral Drive.

Additional discussion followed concerning the continuance of Items 58 and 61 to the May 9, 2002 Planning Commission meeting, submittal deadlines and review of additional required information

Kooiker expressed his concerns with parking issues. Knight briefly reviewed the Fire Department's concerns with cul-de-sacs and Fire Department apparatus.

George Dunham, applicant, expressed his concerns with submittal of a drainage study, grading plans, detention ponds design plans, cul-de-sacs, Street Design Criteria manual, and street connection to the proposed subdivision.

Knight advised that in addition to the Street Design Criteria Manual, the Fire Department utilizes another manual that takes into consideration the turning radii for all apparatus. Knight explained that the Fire Department's recommendation is to revise the road design plans and the plat to reflect both roadway and right-of-way widths that preclude on-street parking for the entire cul-de-sac roadway or increase the diameter of the cul-de-sac bulb to allow for on-street parking.

Lengthy discussion followed concerning parking in cul-de-sacs and public safety.

Kooiker advised that in his opinion he did not feel it was fair to require the applicant to revise the road design plans and the plat per the Fire Department's recommendation.

Swedlund concurred with Kooiker.

Mashek disagreed with Kooiker and Swedlund and stated that in her opinion the Planning Commission can add stipulations to the Preliminary and Final Plat when it is concerned with public safety.

Discussion followed concerning the confusion created with allowing a mix of parking standards in cul-de-sacs.

Stone stated that he concurred with Kooiker and Swedlund. In response to a question by Stone, Nelson stated that in his opinion the additional required information could be submitted and reviewed by the May 9, 2002 Planning Commission meeting.

Elkins asked the Planning Commission for direction regarding the use of Heidiway Lane as the sole access until further development occurs or Severson Drive is constructed.



Elkins advised that at a minimum the applicant is required to build that portion of Heidiway Lane adjacent to the proposed subdivision to City standards.

Discussion followed concerning islands, traffic calming techniques, widening the intersection, sewer manhole placement and realignment, and increasing the right of way width.

Wall left the meeting at 8:45 a.m.

Kooiker stated the he supports traffic calming techniques and stated that he is adamantly opposed to requiring the applicant to submit additional information regarding road design plans for the cul-de-sacs.

Swedlund stated that he would suggest that the applicant and staff work together in the next two weeks to resolve the remaining issues.

Elkins explained that there have been several meetings with the applicant and staff and requested that the Planning Commission provide direction to staff on how to proceed with resolving the remaining issues.

Swedlund stated that he would like to have additional information regarding Severson Street, and the status of the easement. He encouraged the applicant to incorporate islands back into the plan.

In response to a question by Stone, Elkins stated that it would be helpful to both staff and the applicant if the Planning Commission made separate motions on the Severson Road connection and cul-de-sac issues.

Swedlund moved and Stone seconded to recommend that the Preliminary and Final Plat and the Variance to the Subdivision Regulations to allow lots twice as long as wide, and to allow curbside sidewalk with roll curb be continued to the May 9, 2002 Planning Commission meeting.

Stone stated that he supports a continuance to allow staff time to review recently submitted information.

Wevik encouraged the applicant and staff to continue to work during the next two weeks to get the remaining issues resolved.

Dunham asked the Planning Commission for a "straw poll" vote concerning Heidiway Lane being the only access for the development initially.

Hoffman advised that he was neutral at this time.

Stone stated that he did not oppose the Heidiway connection being the only initial access to the development.

Fast Wolf stated that she was neutral.



Swedlund stated that he was not opposed to Heidiway Lane being the only access serving 18 homes.

Kooiker stated that he was inclined to concur with Stone and Swedlund and is not opposed to the Heidiway Lane connection being the only access initially.

Prairie Chicken stated that he would like to see a compromise for utilizing Heidiway Lane.

Mashek stated that she would like an opportunity to drive on Heidiway Lane and would like to hear more from Engineering staff concerning grades and site distances.

Wevik concurred with Mashek.

Dunham thanked the Planning Commission for their direction.

The vote on the motion carried unanimously to recommend the Preliminary and Final Plat and the Variance to the Subdivision Regulations to allow lots twice as long as wide, and to allow curbside sidewalk with roll curb be continued to the May 9, 2002 Planning Commission meeting. (7 to 0)

Seaman requested that Items 59 and 60 be considered concurrently.

59. No. 02PL039 - Section 16, T1N, R7E

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Preliminary and Final Plat** on Lots 1 through 14 of Block 1 and Lots 1 through 6 of Block 2 of Dunham Estates and dedicated public right of way shown as Ward Drive and Ward Court located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

60. No. 02SV020 - Section 16, T1N, R7E

A request by FMG, Inc. for George and Nancy Dunham to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide, to allow 25 foot reserve strip adjacent to Lot 1 of Block 1, waive the requirement for sidewalk on Nicklaus Drive and Meadowbrook Drive and to allow curbside sidewalk with roll curb on Ward Court** on Lots 1 through 14 of Block 1 and Lots 1 through 6 of Block 2 of Dunham Estates and dedicated public right of way shown as Ward Drive and Ward Court located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,



more generally described as being located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

Seaman presented the requests and identified the slides, zoning, and surrounding uses.

Fast Wolf left the meeting at 9:12 a.m.

Discussion followed concerning sidewalks and Nicklaus Drive.

Swedlund moved, Stone seconded and carried unanimously to recommend that the Preliminary and Final Plat and the Variance to the Subdivision Regulations to allow lots twice as long as wide, to allow 25 foot reserve strip adjacent to Lot 1 of Block 1, waive the requirement for sidewalk on Nicklaus Drive and Meadowbrook Drive and to allow curbside sidewalk with roll curb on Ward Court be continued to the May 9, 2002 Planning Commission meeting. (9 to 0)

62. Discussion Items

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

Hoffman moved, Stone seconded and carried unanimously to authorize staff to proceed with an Ordinance Amendment defining high technology industrial facilities and specific parking rate. (7 to 0)

- B. Rapid City Statutory Planning Commission and Rapid City Planning Department Annual Report 2001

- C. Staffing - Vacant Position

Swedlund requested that the discussion regarding staffing be continued to the May 9, 2002 Planning Commission meeting.

- D. Billboard Task Force

Swedlund commended Mashek and Hoffman for their work on the Billboard Task Force.

Swedlund moved, Kooiker seconded to direct staff to prepare a Resolution of support for the Billboard Task Force's draft ordinance in its entirety.

Discussion followed concerning the draft ordinance and the resolution.

The vote on the motion carried unanimously to recommend that the Planning Commission prepare a Resolution of support for



the Billboard Task Force's draft ordinance in its entirety. (7 to 0)

63. Staff Items

None

64. Planning Commission Items

None

65. Committee Reports

A. City Council Report (April 1, 2002)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

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 in 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.

On March 21, 2002 the Planning Commission recommended that the Comprehensive Plan Amendment be denied. On April 1, 2002 the City Council recommended approval of the Comprehensive Plan with stipulations.

No. 02PL012 - Stoney Creek Subdivision Phase II - A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a 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.

On March 21, 2002 the Planning Commission recommended that the Preliminary and Final Plat be approved with stipulations. On April 1, 2002 the City Council recommended approval of the Preliminary Plat be approved with stipulations and continued the Final Plat to the April 15, 2002 City Council meeting.

No. 02RZ007 - Section 5, T1N, R8E - A request by Laverne Anderson for Leone Anderson to consider an application for a Rezoning from Flood Hazard District to General Commercial on Lot 3 less the southern portion being described as starting at the Southwest corner of the above described lot thence 337 feet due North, thence 297 feet bearing South 86 degrees 25 feet East,



thence 116.68 feet bearing South 73 degrees 50' 34" East, thence 47.6 feet bearing South 04 degrees 36 feet West, thence 280.8 feet bearing South 31 degrees 51 feet West, thence 256.5 feet bearing due West to the point of origin all located in the NW1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Cambell Street and East St. James Street.

On March 7, 2002 the Planning Commission recommended that the Rezoning from Flood Hazard District to General Commercial District be approved in part and denied in part. On April 1, 2002 the City Council approved the Rezoning from Flood Hazard District to General Commercial District with revised stipulations.

No. 02VR002 - Original Town of Rapid City - A request by Thurston Design Group, LLC for Rapid City Arts Council to consider an application for a Vacation of Right of Way on the alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

On March 21, 2002 the Planning Commission had a tie vote for the Vacation of Right of Way and the request was forwarded to City Council without recommendation. On April 1, 2002 the City Council recommended approval of the Vacation of Right of Way with stipulations.

There being no further business, Stone moved, Hoffman seconded and carried unanimously to adjourn the meeting at 9:35 a.m. (7 to 0)