

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 23, 2002

MEMBERS PRESENT: Ida Marie Fast Wolf, Jeff Hoffmann, Sam Kooiker, Dawn Mashek, Mel Prairie Chicken, Bob Scull, Jeff Stone, Bob Wall, and Stuart Wevik. Council liaison Ron Kroeger was also present.

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 called the meeting to order at 7:04 a.m.

Wevik indicated that the Hearing Consent Calendar Items 14-36 would be considered prior to the Non Hearing Items Consent Agenda. He advised that the Planning Commission's action on Items 19-36 is final unless such action is appealed to the Rapid City City Council in writing within seven days from this date.

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

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

**Wall requested that Item 21 be removed from the Hearing Consent Agenda for separate consideration. Mark Kirkeby requested that Items 15 and 25 be removed from the Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Stone seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 14 through 36 in accordance with the staff recommendations with the exception of Items 15, 21 and 25. (9 to 0)**

14. No. 02CA018 - Mahoney Addition  
**Summary of Adoption Action - 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 the southwest corner of Lindbergh Avenue and Wood Avenue.**

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

16. No. 02OA006 - Procedures for Conditional Use Permits  
**A request by City of Rapid City to consider an application for an Ordinance Amendment amending Section 17.54.030 of the Rapid City Municipal Code pertaining to the procedures for Conditional Use Permits.**

**Planning Commission recommended that the Ordinance Amendment establishing a time frame for Planning Commission action on a Conditional Use Permit be approved.**

17. No. 02OA007 - High Tech Industrial Production Facilities

A request by City of Rapid City to consider an application for an **Ordinance Amendment** establishing a parking rate for high tech industrial production facilities by amending Chapter 17.04 of the Rapid City Municipal Code by adding Section 17.04.391, a definition of high tech industrial production facility, and by amending Section 17.50.270 Table D by adding a parking rate for high tech industrial production facilities.

**Planning Commission recommended that the Ordinance Amendment regarding the definition of, and the parking rate and site plan submittal requirements for high technology industrial facilities be approved.**

18. 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 feet 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 Final Development Plan be continued to the June 6, 2002 Planning Commission meeting to allow the applicant time to provide a sign package.**

\*\*19. No. 02PD015 - SSJE Subdivision

A request by Willard Werth to consider an application for a **Major Amendment to a Planned Commercial Development to allow the sale of new and used vehicles and a parking lot** on Lot 8 of SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of 222 Cambell Street.

**Planning Commission recommended that the Final Planned Commercial Development be continued to the June 6, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.**

\*\*20. No. 02PD016 - SSJE Subdivision

A request by David and Michaelle Jackson for Auto Body Crafters, Inc. to consider an application for a **Major Amendment to the Planned Commercial Development to allow the sale of new and used vehicles** on Lot 5 of SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Jess Street.

**Planning Commission recommended that the Major Amendment to the**

**Planned Commercial Development to allow the sale of new and used vehicles be approved with the following stipulations:**

**Building Inspection Division Recommendations:**

1. All provisions of the Rapid City Sign Code shall be continually met;

**Urban Planning Division Recommendations:**

2. All previous conditions of approval for the Final Commercial Development Plan #00PD020 shall be continually met;
3. That all vehicles displayed or offered for sale on the property must be in good condition;
4. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met and that a maximum of seven parking spaces shall be used for auto display; and,
5. The proposed building shall be used as a vehicle repair and/or new and used auto sales establishment and shall meet the minimum requirements established for a vehicle repair establishment and new and used car sales as identified in the General Commercial Zoning District. If the proposed building is not occupied by a vehicle repair establishment and/or new and used vehicle sales establishment, then the uses of the building shall be limited to those uses already approved for Lot 1 of Lot A and Lot 2 of Lot A as identified in Final Commercial Development Plan #98PD030 and Final Commercial Development Plan #99PD012. Any other type of use will require a Major Amendment to the Planned Commercial Development.

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. 02RZ023 - Eastridge Estates Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Fifth Street.

**Planning Commission recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved in**

**conjunction with the Planned Development Designation.**

23. No. 02SV022 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Fifth Street.

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

24. No. 02RZ024 - Section 17, T1N, 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 80 foot wide vacated Brave Heart Street right-of-way on the southern boundary of Lot 1 and Lot 2 of Deblen Subdivision and the northern boundary of Block 1 and 4 as shown on the plat of Block 1 and 4 of Lot 2 of NW1/4 NW1/4 and of Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4, Section 17, T1N, R8E, and the 80 foot wide vacated Red Cloud street right-of-way lying within Lot A and B of Tract 2 of Kormylo Subdivision and Block 1 and 2 as shown on the plat of Blocks 1 and 4 of Lot 2 of NW1/4 NW1/4 and Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4 Section 17, T1N, R8E, all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of SD Highway 79, south of Fairmont Boulevard and north of Minnesota Street.

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

26. No. 02SE003 - Rapid City Greenway Tract

A request by FMG, Inc. for Black Hills Pony League to consider a **Special Exception to the Floodplain Building District Ordinance** on Tract 8 (also in Section 4 and Section 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located intersection of Jackson Blvd and 32nd Street (Jamie Johnson Memorial Field).

**Planning Commission recommended that the Special Exception to the Flood Area Construction Regulations be tabled.**

27. No. 02SR004 - Rapid City Greenway Tract

A request by FMG, Inc. for Black Hills Pony League to consider an application for an **11-6-19 SDCL Review** on Tract 8 (also in Section 4 and Section 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located intersection of Jackson Blvd and 32nd Street (Jamie Johnson Memorial Field).

**Planning Commission approved the 11-6-19 SDCL Review with the following stipulations:**

**Engineering Division Recommendations:**

1. That all requirements of Section 15.32, the Flood Area Construction Regulations and Section 17.28.040 of the Rapid City Municipal Code shall be met;
2. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;

**Building Inspection Division Recommendations:**

3. 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:**

4. Prior to issuance of a Building Permit, the applicant shall provide a revised site plan showing the location of five handicap accessible parking stalls; and,
5. Prior to issuance of a Certificate of Occupancy, that the required pavement striping and signage be installed in accordance with the requirements of the Off-Street Parking Ordinance.

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

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

**Planning Commission recommended that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the July 3, 2002 Planning Commission meeting at the applicant's request.**

29. 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 approved.**

30. 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, sidewalks, 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.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water be continued to the June 6, 2002 Planning Commission meeting to be heard in conjunction with the associated Preliminary and Final Plat request.**

\*\*31. 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** on 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 June 6, 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.**

\*\*32. No. 02UR012 - Original Town of Rapid City

A request by Mike Schmitz for the Radisson Hotel to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment and allow for outdoor seating** on the east 450 feet of Tract A of Block 71-72, Lots 25-32, Lots 33-34 (Subd of the south 56.6 feet of Lots 1-6, 56.6 feet x 150 feet) and the vacated alley of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 445 Mt. Rushmore Road.



**Planning Commission recommended that the Conditional Use Permit to allow an On-Sale Liquor Establishment and allow for outdoor seating be continued to the June 6, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

**\*\*33. No. 02UR013 - Marshall Heights Tract**

A request by Northcott Company for Perkins Restaurant and Bakery to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lot 11R of Lot K-3 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1715 North LaCrosse Street.

**Planning Commission acknowledged the applicant's withdrawal of their request for a Conditional Use Permit to allow an On-Sale Liquor Establishment.**

**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.**

**\*\*34. No. 02UR014 - Section 11, T1N, R7E**

A request by Northcott Company for Perkins Restaurant and Bakery to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lot 10-18 of Tract C in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2305 Mt. Rushmore Road.

**Planning Commission acknowledged the applicant's withdrawal of their request for a Conditional Use Permit to allow an On-Sale Liquor Establishment.**

**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.**

**\*\*35. No. 02UR015 - Rapid City Greenway Tract**

A request by City of Rapid City for Black Hills Jazz and Blues Festival 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 at Memorial Park, west of Fifth Street between Omaha Street and New York Street.

**Planning Commission recommended that the Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard**

**Zoning District be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;
5. A Special Exception to the Floodplain Development Ordinance is hereby granted to allow the temporary fencing within the hydraulic floodway;

**Fire Department Recommendations:**

6. Prior to initiation of the event, the Jazz and Blues Festival representatives shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;

**Building Inspection Department Recommendations:**

7. No banners shall be allowed within the public right-of-way or on fences;
8. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
9. A Temporary Use Permit shall be received prior to initiation of the event each year;
10. All electrical wiring shall comply with all applicable Uniform Building and Electrical Codes;

**Parks Division Recommendations:**

11. Final vendor locations will require verification with the Parks Division Staff in the field due to topographic considerations and the location of existing park amenities;
12. An electrical permit shall be obtained for all new electrical wiring required for the festival. All such wiring shall be underground and shall be constructed and inspected in accordance with City standards;

**Urban Planning Division Recommendations:**

13. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
14. No overnight fencing is allowed and the fence shall be removed in the event of a flash flood watch or warning issued anywhere upstream on Rapid Creek;
15. Event staff shall be in the park at all times while the fence is in place



- to dismantle the fence if necessary;
16. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually; and,
  17. The Jazz and Blues Festival event shall be allowed to operate for no more than three event days per year.

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.

**\*\*36. No. 02UR016 - Merchants First Addition**

A request by Doug Tennyson to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Outlot A and Lot 1 and Lot 2 of Outlot C, Merchants First Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Robbinsdale Lounge, 803 East St Patrick Street.

Planning Commission recommended that the Conditional Use Permit to allow an On-Sale Liquor Establishment be approved with the following stipulations:

**Engineering Division Recommendations:**

1. That prior to obtaining a building permit, a written agreement must be obtained requiring the owner to close the approach from the subject property onto St. Patrick Street adjacent to Hawthorne Avenue, and relocate the approach onto Hawthorne Avenue once Hawthorne Avenue is constructed south from St. Patrick Street;

**Fire Department Recommendations:**

2. Further expansion of the lounge area to 5000 square feet or greater will require that the area be equipped with fire sprinklers as per the Uniform Fire Code requirements;
3. Fire alarm system or smoke detection system shall be continually maintained as per NFPA 72 and the Uniform Fire Code;

**Building Inspection Division Recommendations:**

4. 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:**

5. That the six handicapped parking spaces be re-striped, with one space to accommodate the van accessible space; and,
6. All requirements of the Off Street Parking Ordinance be continually met.

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.

---END OF HEARING CONSENT CALENDAR---

15. No. 02CA031 - Section 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment to change the land use designation on a 5.3946 acre parcel from Residential to Light Industrial** on the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, D, E, F, G, & H in Schlottman Addition and the 66 foot E. St. Andrew Street right-of-way lying north of Lots O, P, Q, R, S, & T in Schlottman Addition, and the east half of Sedivy Lane lying south of SD Highway 44 and north of the railroad tracks, all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located North of East St. Patrick Street and South of SD Highway 44.

Mark Kirkeby advised that he was representing a property owner living on East St. Andrew Street. He stated that it was his understanding that there is no land currently zoned Light Industrial within that neighborhood and the roads are unimproved. He expressed concern that the City intends to assess residential property owners for improvements.

Elkins explained that the subject right-of-ways are currently outside City limits and under Pennington County jurisdiction noting that the right-of-ways are wholly surrounded by City limits. She indicated that the City is in the process of annexing the right-of-ways and intends to rezone the property to the same designation as the adjacent properties. She added that staff recommends that the Rezoning and Comprehensive Plan Amendment be denied without prejudice at this time so that a revised legal description can be submitted.

Kirkeby requested clarification concerning the present zoning of the properties surrounding the subject right-of-ways. Elkins indicated that her recollection is that the surrounding properties are zoned Light Industrial and Heavy Industrial.

**Stone moved, Wall seconded and unanimously carried to recommend that the Comprehensive Plan Amendment to change the land use designation on a 5.3946 acre parcel from Residential to Light Industrial be denied without prejudice. (9 to 0)**

\*\*21. No. 02PD017 - Terracita Park Subdivision

A request by Williams & Associates for Slingsby & Wright Development, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development** on Lot 1, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of Minnesota Street and Fifth Street.

Wall asked if the stipulations of approval 1-4 have been addressed by the applicant. Seaman responded that the applicant has addressed the concerns identified in conditions 1-4.

**Wall moved, Stone seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Planning Commission approval of the Planned Commercial Development, the engineering design plans shall be revised to show a standard commercial approach in accordance with the City of Rapid City Standard Details;
2. Prior to Planning Commission approval of the Planned Commercial Development, a revised grading plan and drainage calculations shall be submitted for review and approval;
3. Prior to Planning Commission approval of the Planned Commercial Development, the engineering design plans shall be revised to show a sidewalk along Fifth Street and Minnesota Street that complies with the requirements of the Street Design Criteria Manual;
4. Prior to Planning Commission approval of the Planned Commercial Development, the engineering design plans shall be revised to include a profile for the proposed private water main and flow calculations for the existing and proposed private water mains;

**Fire Department Recommendations:**

5. All Uniform Fire Codes shall be continually met;
6. Prior to the start of any building construction, fire hydrants shall be installed and operational;
7. Prior to the start of any building construction, all weather access roads shall be constructed to the building sites;
8. Prior to issuance of a Certificate of Occupancy, the facility address shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;

**Air Quality Division Recommendations:**

9. 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

**Building Inspection Division Recommendations:**

10. Prior to any construction, a Building Permit shall be obtained and prior to occupancy, a Certificate of Occupancy shall be obtained;

**Urban Planning Division Recommendations:**

11. Prior to Planning Commission approval of the Planned Commercial Development, a complete lighting package shall be submitted for review and approval and the parking lot lighting shall be directed or shielded to reflect the light away from the adjacent residential development;
12. The final construction of the building shall conform architecturally to the plans and elevations submitted and reviewed with this Initial and Final Planned Commercial Development;
13. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
14. Prior to approval by the Planning Commission, a sign package shall

- be submitted for review and approval;
15. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met; and,
  16. Prior to Planning Commission approval, complete information regarding the air handling equipment shall be submitted for review and approval. (9 to 0)

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.

25. No. 02RZ025 - Schlottman Addition

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, D, E, F, G, & H in Schlottman Addition and the 66 foot E. St. Andrew Street right-of-way lying north of Lots O, P, Q, R, S, & T in Schlottman Addition, and the east half of Sedivy Lane lying south of SD Highway 44 and north of the railroad tracks, all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

Kirkeby indicated that his concerns regarding this request were addressed during the discussion of Item 15.

Wall moved, Stone seconded and unanimously carried to recommend that the **Rezoning from No Use District to Light Industrial District** be denied without prejudice. (9 to 0)

---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.

Staff requested that Items 10 and 11 be removed from the Non-Hearing Consent Agenda for separate consideration. Kooiker requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration.

Hoffmann moved, Stone seconded and carried unanimously 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, 10 and 11. (9 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

2. Approval of the May 9, 2002 Planning Commission Meeting Minutes.

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 approved with the following stipulations:**

**Engineering Division Stipulations:**

- 1) **Prior to Preliminary Plat approval by the City Council, the applicant shall obtain approval from the Engineering Division of the revised plans addressing the redline comments;**
- 2) **Prior to Preliminary Plat approval by the City Council, the applicant shall provide an itemized cost estimate for the construction of the required subdivision improvements; and,**
- 3) **Prior to Final Plat approval by the City Council, all required improvements shall be constructed or the applicant shall provide a financial guarantee for all improvements that have not been installed in a form acceptable to the City Attorney.**

4. 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.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the July 3, 2002 Planning Commission meeting at the applicant's request.**

5. 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 approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to City Council approval of the Preliminary Plat, 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;
2. Prior to City Council approval of the Preliminary Plat, a revised pavement design shall be submitted for review and approval;
3. Prior to City Council approval of the Preliminary Plat, a revised grading and drainage plan, coordinating the proposed drainage with lot contour(s), shall be submitted for review and approval;

**Register of Deed's Office Recommendation:**

4. Prior to City Council approval of the Final Plat, the plat shall be revised to read "Lots 24 thru 30" in lieu of "lots 23 thru 30";

**Urban Planning Division Recommendations:**

5. Prior to City Council approval of the Preliminary Plat, a Special Exception shall be granted or the construction plans shall be revised to provide an intermediate turnaround on Minnesota Street;
6. Prior to City Council approval of the Final Plat, covenants shall be filed at the Register of Deed's Office precluding development on three of the proposed lots until such time as a second access road is constructed;
7. Prior to City Council approval of the Final Plat, 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;
8. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,
9. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

6. **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 June 20, 2002 Planning Commission meeting to allow the applicant time to submit a site plan showing existing development of the property.**

7. **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 June 6, 2002 Planning Commission meeting to allow staff time to review the master plan.**

8. No. 02PL032 - Huffman Subdivision

A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. to consider an application for a **Preliminary Plat** 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 foot 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 June 6, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

9. 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 June 6, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

12. No. 02PL041 - Northbrook Village

A request by Dream Design International, Inc. to consider an application for a **Final Plat** on Lot 1, Block 1; Tract A, Block 2; Lots 6-7, Block 3; Lots 1-17, Block 4; Lots 1-8, Block 5; Lots 1-3 & Outlot A, Block 6; Lots 1-13, Block 7 & Lost 25-27, Block 8, Northbrook Village located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Nike Road, east of Mallridge Subdivision.

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

**Engineering Division Recommendations:**

1. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City to transfer ownership and maintenance of Outlot A and Tract A (Utility Lot) to the City;
2. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City identifying the proposed lift station improvements. In addition, a site plan for the lift station improvements shall be submitted for review and approval;
3. Prior to Final Plat approval by the City Council, the plat shall be revised to show a 75 foot non-access easement extending from the corner of the Three Rivers Drive/Country Road intersection;
4. Prior to Final Plat approval by the City Council, the plat shall be revised identifying the proposed "Drainage and Utility Easement" as a "Drainage Easement". In addition, the note on the plat describing the lot line utility and drainage easements shall be revised to read "Eight foot Utility and Minor Drainage Easement on all lot lines and all Rights-of-Way, unless otherwise shown. No utility structures are allowed in the drainage easements. Underground utility facilities allowed only as explicitly shown on the approved construction plans for the subdivision improvements";
5. Prior to Final Plat approval by the City Council, the applicant shall identify the lots which will receive in excess of five foot of fill requiring that a pad certification be obtained prior to issuance of a building permit;

**Fire Department Recommendation:**

6. The Uniform Fire Code shall be continually met;

**Register of Deed's Office Recommendation:**

7. Prior to Final Plat approval by the City Council, the plat title shall be revised to include "Rapid City". In addition, the plat shall be revised to show "Nike Road" on Page 2 of 3 of the plat document;

**Urban Planning Division Recommendations:**

8. Prior to Final Plat approval by the City Council, the applicant shall sign a waiver of right to protest an assessment district for curb, gutter and sidewalk improvements along Country Road and Nike Road;
9. Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval;
10. Prior to Final Plat approval by the City Council, surety for the uncompleted improvements shall be posted and the subdivision inspection fees shall be paid; and,

**Emergency Services Communication Center Recommendation:**

11. Prior to Final Plat approval by the City Council, the plat shall be revised to show "Viking Street" as "Viking Drive".

13. No. 02PL042 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 5 thru 6, Block 8 and Lots 1 thru 5, Block 9 and Lots 2 thru 6, Block 10 and Lot T Block 8 and Outlot G-1 and dedicated streets, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Red Rock Estates.

**Planning Commission recommends 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, 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;
2. Prior to City Council approval of the Preliminary Plat, sanitary sewer plans shall be submitted for review and approval for the sanitary sewer located east of the proposed Prestwick Road cul-de-sac. In addition, a revised access and maintenance easement for the sanitary sewer line shall be submitted for review and approval;
3. Prior to City Council approval of the Preliminary Plat, the section line highway shall be improved to City street standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
4. Prior to City Council approval of the Preliminary Plat, a revised grading and drainage plan shall be submitted for review and approval;
5. Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval;
6. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
7. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Muirfield Drive;
8. Prior to City Council approval of the Final Plat, an 11-6-19 SDCL Review shall be reviewed and approved for the water reservoir site;
9. Prior to City Council approval of the Final Plat, a temporary construction easement shall be granted on Lot 5, Block 8 for the future construction of the water reservoir on Lot 1, Block 8;

**Fire Department Recommendations:**

10. The Uniform Fire Code shall be continually met;

**Register of Deed's Office Recommendation:**

11. Prior to City Council approval of the Final Plat, the plat shall be revised to show Lot 1, Block 8 as Lot 4, Block 8; and,

**Urban Planning Division Recommendations:**

**12. Prior to City Council approval of the Final Plat, 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.**

1. Approval of the April 25, 2002 Planning Commission Meeting Minutes.

Kooiker requested that the April 25, 2002 Planning Commission minutes, Item 61, paragraph 8 be amended to change the word "fair" to "legal".

**Stone moved, Scull seconded and unanimously carried to approve the April 25, 2002 minutes as amended. (9 to 0)**

10. 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.

Fisher advised that the applicant has requested that this item be continued to the June 6, 2002 Planning Commission meeting.

**Wall moved, Stone seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the June 6, 2002 Planning Commission meeting at the applicant's request. (9 to 0)**

11. No. 02PL040 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Fifth Street.

Fisher advised that the applicant has requested that this item be continued to the June 6, 2002 Planning Commission meeting.

**Wall moved, Stone seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the June 6, 2002 Planning Commission meeting at the applicant's request. (9 to 0)**

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

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

Fisher requested that items 37-47 be considered concurrently.

37. No. 02CA032 - Section 23, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 14.726 acre parcel from Planned Residential Development with 1 d.u. per acre to Office Commercial with a Planned Commercial Development** on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a 1" I.D. Pipe that is identical with the Southeast corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158 and the point of beginning; thence North 0°00'32" East a distance of 712.38 feet along the East line of the said Aladdin Heights Subdivision; thence South 89°59'28" East a distance of 175.00 feet to a point; thence South 0°00'32" West a distance of 475.00 feet to a point; thence South 25°58'18" East a distance of 789.13 feet to a point; thence South 14°47'21" West a distance of 545.48 feet to a point identical with an angle point on the existing commercial zoning line; thence North 47°07'21" West a distance of 473.75 feet along the existing commercial zoning line to an angle point in the existing commercial zoning line; thence North 51°24'29" West a distance of 408.10 feet along the existing commercial zoning line to a point; thence North 07°20'48" East a distance of 426.12 feet to a point on the South line of said Aladdin Heights Subdivision; thence South 89°59'15" East a distance of 230.28 feet to the point of beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

38. No. 02CA033 - Section 23, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 29.485 acre parcel from a Planned Residential Development with one dwelling unit per acre to Park Forest** on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a stone monument that is identical to the 1/4 corner common to Sections 23 and 26 T1N, R7E, B.H.M. thence continuing from the point of beginning South 89°50' 50" West a distance of 832.21 feet along the line



between Sections 23 and 26 to a point that is identical to the intersection of the line between said sections and the current commercial zoning line; thence North 13°43' 23" East a distance of 33.11 feet along the current commercial zoning line to an angle point in the current commercial zoning line; thence North 50°07' 47" East a distance of 264.10 feet along the current commercial zoning line to an angle point in said zoning line; thence North 0°05' 37" East a distance of 450.00 feet along the current commercial zoning line to an angle point in said zoning line; thence North 72°22' 41" East a distance of 180.00 feet along the current commercial zoning line to angle point in said zoning line; thence North 14°47' 21" East a distance of 545.48 feet to a point; thence North 25 58' 18" West a distance of 789.13 feet to a point; thence North 0°00' 32" East a distance of 475.00 feet to a point; thence North 89°59' 28" West a distance of 175.00 feet to a point on the East line of Lot 1 Block 2 Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158; thence North 0°00' 32" East a distance of 30.00 feet along the East line of said Lot 1 to a point identical to the North East corner of said Lot 1; thence North 0°00' 32" East a distance of 199.93 feet along the East line of Lot 3 Block 3 Aladdin Heights Subdivision as shown on the plat recorded in Book 14 of plats Page 68 to a rebar with cap marked Fisk Eng. 1771 said rebar being on the South line of Tract D of Medicine Ridge No. 2 Subdivision as shown on the plat filed in Book 14 of plats Page 227; thence North 89°55' 31" East a distance of 346.35 feet along the South line of said Tract D to a rebar with cap marked Francis Meador 1019 said rebar being on the West line of Tract G as shown on the plat filed in Book 11 of plats Page 59; thence South 0°11' 40" East a distance of 450.90 feet along the West line of said Tract G to a rebar with cap marked Francis Meador 1019 said rebar being identical to the Southwest corner of said Tract G; thence South 89°56' 13" East a distance of 481.92 feet along the South line of said Tract G to a rebar and cap marked Francis Meador 1019 said rebar being identical to the Southeast corner of said Tract G and on the 1/4 line between the SW1/4 and the SE1/4 of said Section 23; thence South 0°01' 16" East a distance of 2196.74 feet to the point of beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

39. No. 02CA034 - Section 26, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development** on a previously unplatted portion of the NE1/4 of the NW1/4 and the NW1/4 of the NW1/4 of Section 26, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota. Being more particularly described as follows: Beginning at the Northeast corner of Lot A as shown on the plat filed in Book 23 of plats Page 157, said point of beginning being monumented with a rebar with cap marked LS 6117; thence South 89°48'07" West a distance of 331.50 feet along the North line of said lot A to a rebar with cap marked Davis & Atkins Assoc. 3095, Said rebar being identical to the Northeast corner of the Tucker Street R.O.W. as shown on the plat filed in Book 23 of plats Page 157; thence South 89°58' 52" West a distance of 266.92 feet along the North R.O.W. of Tucker Street to a point; thence North 07°23'21" East a distance of 668.56 to



a point on the line between Sections 23 and 26; thence North 89°59'50" East a distance of 675.88 feet along the line between Sections 23 and 26 to a point identical to the intersection of said section line with the current commercial zoning line; thence South 13°52'22" West a distance of 681.69 feet along the current commercial zoning line to the point of beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

40. No. 02CA035 - Section 26, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 18.927 acre parcel from Planned Residential Development with two dwelling units per acre to Medium Density Residential with a Planned Residential Development** on a previously unplatted parcel of land in the NE1/4 of the NW1/4 Section 26, Township 1 North, Range 7 East, Black Hills Meridian, located in the City of Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the stone monument for the 1/4 corner common to Sections 23 and 26, T1N, R7E, B.H.M. thence along the line between Sections 23 and 26 South 89°59'50" West a distance of 329.50 to a rebar and cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the northwest corner of Tract A as shown on the plat recorded in Book 22 of plats Page 182 and the Point of Beginning; thence South 00°08'12" West a distance of 1277.17 along the West line of said Tract A to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southwest corner of said Tract A; thence a distance of 48.44 feet southwesterly along a curve that is the northwesterly R.O.W. of the Highway 16 Bypass, said curve is concave to the Southeast, having a radius of 2939.79 feet and a chord direction of South 23°05'24" West, to a rebar with cap marked Fisk Engr. 1771; thence South 89°54'41" West a distance of 644.75 feet along the 1/16th line to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southeast corner of said Lot A as shown on the plat recorded in Book 23 of plats Page 157; thence North 0°03'20" East a distance of 660.89 feet along the East line of said Lot A to a rebar with cap marked LS 6117 said rebar being identical to the Northeast corner of said Lot A; thence North 13°52'22" East a distance of 681.69 feet to the intersection of the commercial zoning line with the line between Sections 23 and 26; thence North 89°59'50" East a distance of 502.71 feet to the returning to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

\*\*41. No. 02PD018 - Section 23, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 including the remainder of Lot B of the NW1/4 of the SW1/4 lying east of Highway 16, a portion of the NE1/4 of the SW1/4 and a portion of the SE1/4 of the SW1/4 all in Section 23, Township 1 North, Range 7 East, Black Hills Meridian, Located in the City of Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the Southwest corner of the Aladdin Heights Subdivision as shown

on the plat filed in Book 12 of plats Page 158; continuing from the Point of Beginning South 89°59'15" East a distance of 403.30 feet along the South line of the Aladdin Heights Subdivision to a point; thence South 07°20'48" West a distance of 426.12 feet to a point on the current commercial zoning line; thence North 51°24'29" West a distance of 141.9 feet along the current commercial zoning line to a point; thence North 66°48'29" West a distance of 256.04 feet along the current commercial zoning line to a point; thence South 89°37'13" West a distance of 32.67 feet along the current commercial zoning line to a point on the Easterly R.O.W. of Highway 16; thence North 07°20'48" East a distance of 235.52 feet along the Easterly R.O.W. of said highway returning to the point of beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

**\*\*42. No. 02PD019 - Section 23, T1N, R7E**

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a 1" I.D. Pipe that is identical with the Southeast corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158 and the point of beginning; thence North 0°00' 32" East a distance of 712.38 feet along the East line of the said Aladdin Heights Subdivision; thence South 89°59'28" East a distance of 175.00 feet to a point; thence South 0°00'32" West a distance of 475.00 feet to a point; thence South 25°58'18" East a distance of 789.13 feet to a point; thence South 14°47'21" West a distance of 545.48 feet to a point identical with an angle point on the existing commercial zoning line; thence North 47°07'21" West a distance of 473.75 feet along the existing commercial zoning line to an angle point in the existing commercial zoning line; thence North 51°24'29" West a distance of 408.10 feet along the existing commercial zoning line to a point; thence North 07°20'48" East a distance of 426.12 feet to a point on the South line of said Aladdin Heights Subdivision; thence South 89°59'15" East a distance of 230.28 feet to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

**43. No. 02RZ026 - Section 23, T1N, R7E**

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a parcel of land located in the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 including the remainder of Lot B of the NW1/4 of the SW1/4 lying east of Highway 16, a portion of the NE1/4 of the SW1/4 and a portion of the SE1/4 of the SW1/4 all in Section 23, Township 1 North, Range 7 East, Black Hills Meridian, Located in the City of Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the Southwest corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158; continuing from the Point of Beginning South 89°59'15" East a distance of 403.30 feet along the South line of the Aladdin Heights Subdivision to a point; thence South 07°20'48" West a distance of 426.12 feet to a point on the current commercial zoning line; thence North 51°24'29" West a distance of 141.9 feet along the current commercial zoning line to a point; thence North 66°48'29"

West a distance of 256.04 feet along the current commercial zoning line to a point; thence South 89°37'13" West a distance of 32.67 feet along the current commercial zoning line to a point on the Easterly R.O.W. of Highway 16; thence North 07°20'48" East a distance of 235.52 feet along the Easterly R.O.W. of said highway returning to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

44. No. 02RZ027 - Section 26, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential II District with a Planned Development Designation to Medium Density Residential District** on a previously unplatted parcel of land in the NE1/4 of the NW1/4 Section 26, Township 1 North, Range 7 East, Black Hills Meridian, located in the City of Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the stone monument for the 1/4 corner common to Sections 23 and 26, T1N, R7E, B.H.M. thence along the line between Sections 23 and 26 South 89°59'50" West a distance of 329.50 to a rebar and cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the northwest corner of Tract A as shown on the plat recorded in Book 22 of plats Page 182 and the Point of Beginning; thence South 00°08'12" West a distance of 1277.17 along the West line of said Tract A to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southwest corner of said Tract A; thence a distance of 48.44 feet southwesterly along a curve that is the northwesterly R.O.W. of the Highway 16 Bypass, said curve is concave to the Southeast, having a radius of 2939.79 feet and a chord direction of South 23°05'24" West, to a rebar with cap marked Fisk Engr. 1771; thence South 89°54'41" West a distance of 644.75 feet along the 1/16th line to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southeast corner of said Lot A as shown on the plat recorded in Book 23 of plats Page 157; thence North 0°03'20" East a distance of 660.89 feet along the East line of said Lot A to a rebar with cap marked LS 6117 said rebar being identical to the Northeast corner of said Lot A; thence North 13°52'22" East a distance of 681.69 feet to the intersection of the commercial zoning line with the line between Sections 23 and 26; thence North 89°59'50" East a distance of 502.71 feet to the returning to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

45. No. 02RZ028 - Section 26, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on a previously unplatted portion of the NE1/4 of the NW1/4 and the NW1/4 of the NW1/4 of Section 26, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota. Being more particularly described as follows: Beginning at the Northeast corner of Lot A as shown on the plat filed in Book 23 of plats Page 157, said point of beginning being monumented with a rebar with cap marked LS 6117; thence South 89°48'07" West a distance of 331.50 feet along the North line of said lot A to a rebar with cap marked Davis & Atkins Assoc. 3095, Said rebar being identical to the Northeast corner of the Tucker Street R.O.W. as shown on the plat filed in

Book 23 of plats Page 157; thence South 89°58'52" West a distance of 266.92 feet along the North R.O.W. of Tucker Street to a point; thence North 07°23'21" East a distance of 668.56 to a point on the line between Sections 23 and 26; thence North 89°59'50" East a distance of 675.88 feet along the line between Sections 23 and 26 to a point identical to the intersection of said section line with the current commercial zoning line; thence South 13°52'22" West a distance of 681.69 feet along the current commercial zoning line to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

46. No. 02RZ029 - Section 23, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Park Forest** on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a stone monument that is identical to the 1/4 corner common to Sections 23 and 26 T1N, R7E, B.H.M. thence continuing from the point of beginning South 89°50'50" West a distance of 832.21 feet along the line between Sections 23 and 26 to a point that is identical to the intersection of the line between said sections and the current commercial zoning line; thence North 13°43'23" East a distance of 33.11 feet along the current commercial zoning line to an angle point in the current commercial zoning line; thence North 50°07'47" East a distance of 264.10 feet along the current commercial zoning line to an angle point in said zoning line; thence North 0°05'37" East a distance of 450.00 feet along the current commercial zoning line to an angle point in said zoning line; thence North 72°22'41" East a distance of 180.00 feet along the current commercial zoning line to angle point in said zoning line; thence North 14°47'21" East a distance of 545.48 feet to a point; thence North 25°58'18" West a distance of 789.13 feet to a point; thence North 0°00'32" East a distance of 475.00 feet to a point; thence North 89°59'28" West a distance of 175.00 feet to a point on the East line of Lot 1 Block 2 Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158; thence North 0°00'32" East a distance of 30.00 feet along the East line of said Lot 1 to a point identical to the North East corner of said Lot 1; thence North 0°00'32" East a distance of 199.93 feet along the East line of Lot 3 Block 3 Aladdin Heights Subdivision as shown on the plat recorded in Book 14 of plats Page 68 to a rebar with cap marked Fisk Eng. 1771 said rebar being on the South line of Tract D of Medicine Ridge No. 2 Subdivision as shown on the plat filed in Book 14 of plats Page 227; thence North 89°55'31" East a distance of 346.35 feet along the South line of said Tract D to a rebar with cap marked Francis Meador 1019 said rebar being on the West line of Tract G as shown on the plat filed in Book 11 of plats Page 59; thence South 0°11'40" East a distance of 450.90 feet along the West line of said Tract G to a rebar with cap marked Francis Meador 1019 said rebar being identical to the Southwest corner of said Tract G; thence South 89°56'13" East a distance of 481.92 feet along the South line of said Tract G to a rebar and cap marked Francis Meador 1019 said rebar being identical to the Southeast corner of said Tract G and on the 1/4 line between the SW1/4 and the SE1/4 of said Section 23; thence South 0°01'16" East a distance of 2196.74 feet to the Point of Beginning, more generally described as being located east of Highway 16 and

1/4 mile north of Catron Blvd.

47. No. 02RZ030 - Section 23, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a 1" I.D. Pipe that is identical with the Southeast corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158 and the point of beginning; thence North 0°00'32" East a distance of 712.38 feet along the East line of the said Aladdin Heights Subdivision; thence South 89°59'28" East a distance of 175.00 feet to a point; thence South 0°00'32" West a distance of 475.00 feet to a point; thence South 25°58'18" East a distance of 789.13 feet to a point; thence South 14°47'21" West a distance of 545.48 feet to a point identical with an angle point on the existing commercial zoning line; thence North 47°07'21" West a distance of 473.75 feet along the existing commercial zoning line to an angle point in the existing commercial zoning line; thence North 51°24'29" West a distance of 408.10 feet along the existing commercial zoning line to a point; thence North 07°20'48" East a distance of 426.12 feet to a point on the South line of said Aladdin Heights Subdivision; thence South 89°59'15" East a distance of 230.28 feet to the Point of Beginning, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

Fisher presented the overall plan for the property as requested by the applicant. She reviewed the changes as proposed by the applicant, existing development, current zoning and proposed zoning and proposed changes to the South Robbinsdale Neighborhood Area Future Land Use Plan. She noted that the applicant has requested that Items 39 and 45 be continued to the June 6, 2002 Planning Commission meeting. She added that the staff recommends that the remaining items be approved as identified in the staff reports.

Kooiker requested clarification concerning whether the recommendation for Item 37 should include the provision for a Planned Commercial Development. Fisher noted that the Comprehensive Plan Amendment was advertised correctly, but that the Staff Report was not changed after the correction. She indicated that the correct request for Item 37 is to change the Future Land Use Designation from Planned Residential Development with one dwelling unit per acre to Office Commercial with a Planned Commercial Development. She added that the Staff Report would be corrected prior to consideration by the City Council.

**Kooiker moved, Stone seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 14.726 acre parcel from Planned Residential Development with one dwelling unit per acre to Office Commercial with a Planned Commercial Development (No. 02CA032) be approved;**



that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 29.485 acre parcel from a Planned Residential Development with one dwelling unit per acre to Park Forest (No. 02CA033) be approved;

that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development (No. 02CA034) be continued to the June 6, 2002 Planning Commission meeting at the applicant's request;

that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 18.927 acre parcel from Planned Residential Development with two dwelling units per acre to Medium Density Residential with a Planned Residential Development (No. 02CA035) be approved;

that the Planned Development Designation (No. 02PD018) be approved with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan;

*(Note: 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.)*

that the Planned Development Designation (No. 02PD019) be approved with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan;

*(Note: 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.)*

that the Rezoning from General Agriculture District to General Commercial District (No. 02RZ026) be approved in conjunction with the Planned Development Designation;

that the Rezoning from Low Density Residential II District to Medium Density Residential District (No. 02RZ027) be approved in conjunction with the Comprehensive Plan Amendment;



**that the Rezoning from General Commercial District to Medium Density Residential District (No. 02RZ028) be continued to the June 6, 2002 Planning Commission meeting at the applicant's request;**

**that the Rezoning From General Agriculture District to Park Forest (No. 02RZ029) be approved in conjunction with the Comprehensive Plan Amendment; and,**

**that the Rezoning from General Agriculture District to Office Commercial District (No. 02RZ030) be approved in conjunction with the Planned Development Designation. (9 to 0)**

48. No. 02SV024 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide regulated by Chapter 16.12.190 of the Municipal Code** on Lots 5 thru 6, Block 8 and Lots 1 thru 5, Block 9 and Lots 2 thru 6, Block 10 and Lot T Block 8 and Outlot G-1 and dedicated streets, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Red Rock Estates.

Fisher advised that there were no unresolved issues associated with this request and she noted staff's recommendation for approval.

**Wall moved, Stone seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow lots twice as long as wide as regulated by Chapter 16.12.190 of the Municipal Code be approved. (9 to 0)**

49. No. 02SV023 - 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 waive the requirement to install water, sewer, curb and gutter and sidewalk on Heidiway Lane and adjacent to the proposed Dunham Estates Subdivision** 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 request and reviewed the staff report, slides and staff's recommendation.

Wevik requested clarification concerning how far the water line would need to be extended north of the intersection of Dunham Lane and Heidiway Lane.

Seaman indicated that water line would need to be extended the full length of the property adjacent to Heidiway Lane and where it abuts the section line.

Kooiker stated that it is his understanding that the applicant has requested that water and sewer be extended on Heidiway Lane to the north to serve future development and staff is recommending that the request to extend utilities be denied. Seaman clarified that the applicant is requesting that the requirement to extend water north on Heidiway Lane be waived at this time. She indicated that staff recommends that the applicant's request to waive that requirement be denied.

Kooiker asked if adjacent property owner Roberta Kramlick would have to pay assessments for improvements if this proposal is approved. Elkins noted that if utilities are extended to Mrs. Kramlick's property she will have to pay her share of the assessment. She added that if there is no benefit to the property owner there is no assessment to the property owner.

Kooiker asked if Mrs. Kramlick would have to pay for sewer and water improvements only or would she have to pay for curb and gutter and other improvements if completed. Elkins explained that costs for any improvements that benefit a property owner can be assessed back to the property owner.

George Dunham reviewed design plans for the extension of sewer and water into Heidiway Lane. He noted that two houses would be located at an elevation high enough to connect into that sewer line.

**Scull moved and Fast Wolf seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install a water main within the Heidiway Lane right of way north of the intersection of Dunham Lane and Heidiway Lane be denied and the Variance to the Subdivision Regulations to waive the requirement for a water main south of the intersection of Heidiway Lane and Dunham Lane, sanitary sewer, curb and gutter and sidewalk on Heidiway Lane adjacent to the proposed Dunham Estates Subdivision be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to City Council approval of the Subdivision Regulations Variance, the plat shall be revised to include a non-access easement along the east property line of Lot 1 of Block 4 or the water main shall be constructed along Heidiway Lane to the north property line of Lot 1 of Block 1; and,**

**Urban Planning Division Recommendations:**

- 2. Prior to City Council approval of the Subdivision Regulations Variance, the applicant shall sign a waiver of right to protest an assessment district for Lot 1 of Block 3 and Lot 1 and 2 of Block 4.**

In response to a question from Wall, Elkins advised that on Monday night the

City Council waived the requirement for the construction of Severson Street.

**The motion carried unanimously to recommend that the Variance to the Subdivision Regulations to waive the requirement to install a water main within the Heidiway Lane right of way north of the intersection of Dunham Lane and Heidiway Lane be denied and the Variance to the Subdivision Regulations to waive the requirement for a water main south of the intersection of Heidiway Lane and Dunham Lane, sanitary sewer, curb and gutter and sidewalk on Heidiway Lane adjacent to the proposed Dunham Estates Subdivision be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to City Council approval of the Subdivision Regulations Variance, the plat shall be revised to include a non-access easement along the east property line of Lot 1 of Block 4 or the water main shall be constructed along Heidiway Lane to the north property line of Lot 1 of Block 1; and,**

**Urban Planning Division Recommendations:**

- 2. Prior to City Council approval of the Subdivision Regulations Variance, the applicant shall sign a waiver of right to protest an assessment district for Lot 1 of Block 3 and Lot 1 and 2 of Block 4.**

**(9 to 0)**

**49A. No. 02SR008 - 11-6-19 SDCL Review**

**A request by City of Rapid City to consider an application for an 11-6-19 SDCL Review to purchase public land.**

Fisher presented the request and reviewed the staff report noting that the City is proposing to purchase the property. She noted that the Engineering Division has indicated that the site supports the needed elevations for a water reservoir. She noted staff's recommendation for approval.

Kooiker asked what the cut off time is for adding items to the Planning Commission agenda.

Elkins responded that there is no specific cut off time for the addition of items to the Planning Commission agenda that do not require statutory notification. She noted that this item does not require legal notification or advertisement. She added that the decision whether to allow additional items is at the discretion of the Planning Commission.

Kooiker asked if the cut off time for adding items to the Planning Commission agenda is the Wednesday the week before the meeting. Elkins explained that the City Council has adopted a policy that all planning items presented for consideration by City Council must be submitted by 4:00 p.m. the Wednesday prior to the City Council meeting. She noted that the Planning Commission does not have a similar policy. Elkins reviewed the decision resulting from a recent lawsuit noting that staff is trying to address these issues as they come up. She added that there have been negotiations with the property owner to purchase the property in progress for some time and the Public Works Department staff was

not aware that property purchases must now go through this process.

Kooiker asked if the Planning Commission agenda is published in the news paper prior to the meeting. Elkins explained that the Planning Commission agenda is not published in the newspaper. Kooiker expressed concern that someone might think this request is underhanded because it was added as an addendum item at the last minute.

Elkins advised that the item can be considered or continued at the Planning Commission's discretion.

Wall asked if there are issues associated with the City owning property outside the City's boundary lines. Elkins noted that it is not unusual for the City to buy properties outside City limits that have probable future value to the community. She identified a number of properties owned by the City lying outside of the Rapid City limits. She noted that it is a positive step by the Public Works Department to identify these properties prior to development when the costs will increase and options will be limited.

Kooiker noted that he is not opposed to this project; however, he stated that he will vote no on this request because it was received late as an addendum to the agenda. He added that he thinks a cut off date for the inclusion of Planning Commission agenda items should be established.

**Scully moved, Stone seconded and carried to approve the 11-6-19 SDCL Review to allow the purchase of public land. (8 to 1 with Kooiker voting no)**

50. Discussion Items

None.

51. Staff Items

A. Property Owner's Notification Lists

Elkins advised that the Director of Equalization's office has requested that the Planning Department assume responsibility for generating Property Owner's Lists. She noted that the current requirements include a provision for the notification of all property owners within 150 feet of a property excluding right of way. She noted that the Director of Equalization currently identifies property owners by measuring parcels by hand. Elkins advised that the Geographic Information System could be used to generate these lists along with mailing labels. She noted that it is time consuming to perform manipulations needed to exclude the right of way on the system. She indicated that increased efficiency and the likelihood of a reduction in errors could be achieved if the notification distance were to include right of way.

She stated that staff is requesting approval to modify the notification distance and include the right-of-way. She indicated that the current rules, with the exception of on-sale liquor establishments, require a 150 foot notification area, excluding right-of-way. She added that on-sale liquor establishments currently require a notification area of 250 feet excluding

right of way. Elkins noted that in this case the notification area could be increased to 350 feet including right of way if the Planning Commission felt it was necessary.

Kooiker asked what the absolute maximum amount of right-of-way is that currently exists or can be requested. Elkins responded that the maximum City requirement for an arterial street is 100 feet. She noted that Catron Boulevard has a 150 foot right of way and that the Interstate 90 right-of-way is probably wider.

Kooiker asked what the length is of a typical City block. Elkins advised that many of the older downtown blocks are somewhere between 300 to 350 feet. She noted that actual block lengths vary a great deal.

Kooiker expressed concern that the current notification distances are not stringent enough. He stated that he feels the notification process and procedures need to be reviewed.

Elkins noted that staff has attempted to use a distance of 250 feet including right of way in an effort to keep the amount of people being notified similar to the number of people being notified currently. She indicated that the Planning Commission could modify the distance requirement if they felt it was appropriate.

Kooiker expressed concern that if an applicant owns property adjoining a parcel of property under review they only have to notify themselves.

Elkins discussed the notification procedures in the Greenway Tracts where large distances between properties are common.

Kooiker asked if staff was aware of the notification distances other municipalities require. Elkins indicated that staff could compile that information if the Planning Commission wished to review that issue.

Hoffmann indicated that the change to include right-of-way could improve efficiency for staff and suggested that an acceptable distance be selected.

Wall noted that there have been a few issues over the years where neighborhood impact has far exceeded 150 feet. Discussion followed concerning the potential for the Planning Commission to mail notices in individual cases where there is a broader community interest.

Kooiker stated that he feels staff should evaluate a different proposal.

**Kooiker moved, Scull seconded and unanimously carried to authorize staff to advertise for public hearing to consider an ordinance amendment changing the notification requirement from 150 feet excluding right of way to 250 feet including right of way for all applications. (9 to 0)**

**Kooiker moved, Hoffmann seconded and unanimously carried to direct staff to review procedures used by other municipalities and to evaluate the current notification procedures for discussion by the Commission. (9 to 0)**

Elkins indicated that summer intern staff could perform the poll of other municipalities and information could be returned to the Planning Commission in late July or early August. Kooiker responded that he had no objection to receiving the information in late July or early August.

Hoffmann expressed concern for the safety of residents accessing Sheridan Lake Road from Dunham Drive due to the steep grade. He requested clarification concerning why the City Council waived the requirement for the construction of Severson Road. Discussion followed.

Kooiker asked if items on the Planning Commission agenda could be sorted so that the oldest items could be heard first. Elkins indicated that items are typically ordered on the agenda based on the application number which correlates with the date received. She noted the limitations imposed by the Hearing and Non-Hearing Consent Agendas.

Wall requested clarification concerning whether all continued items can be placed on the Non-Hearing Consent Calendar. Elkins indicated that only items that do not require a public hearing can be placed on the Non-Hearing Consent Calendar.

**There being no further business, Wall moved, Scull seconded and unanimously carried to adjourn the meeting at 8:30 a.m. (9 to 0)**