

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 6, 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 Nadine Bauer

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

**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 7, 8, and 19 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. Wall requested that Item 17 be removed from the Non-Hearing Consent Agenda for separate consideration. Swedlund requested that Item 22 thru 33 be removed from the Non-Hearing Consent Agenda for separate consideration. Dan Ferber requested that Item 14 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Prairie Chicken moved, Wall seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 1 through 33 in accordance with the staff recommendations with the exception of Items 1, 7, 8, 14, 17, 19, and 22 thru 33. (10 to 0)**

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

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

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

3. 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.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 20, 2002 to allow the applicant to submit additional required information.**

4. 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 20, 2002 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.**

5. 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 June 20, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

6. 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 20, 2002 Planning Commission meeting to allow the applicant to submit additional required information.**

9. No. 02PL045 - Moon Ridge Subdivision

A request by Doug Sperlich for 16 Plus, LLC to consider an application for a **Layout Plat** on Lots 1-5, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and **Preliminary and Final Plat** on Lot 1, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract 1 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

**Planning Commission recommended that the Layout Plat for Lots 2 thru 5 be continued to the June 20, 2002 Planning Commission meeting and that the Layout, Preliminary and Final Plat for Lot 1 be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Final Plat approval of Lot 1 by the City Council, surety shall be posted for the construction of the water and sewer infrastructure;
2. Prior to Preliminary Plat approval of Lot 1 by the City Council, a complete drainage plan shall be submitted for review and approval;
3. Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to provide drainage easements as needed;
4. Upon Preliminary Plat submittal for the balance of the subject property, 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 sewer, water, storm drainage, sidewalk(s) and curb and gutter along Moon Meadows Road;
5. Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to show a non-access easement along Moon Meadows Road except for the approved approach location;

**Fire Department Recommendation:**

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

**Emergency Services Communication Center Recommendation:**

7. Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to show "Moon Meadows Drive" in lieu of "Moon Meadows Road";

**Register Of Deed's Recommendation:**

8. Prior to Final Plat approval of Lot 1 by the City Council, the applicant shall confirm if the plat title is correct showing "Moon Ridge" as two words in lieu of one word, "Moonridge"; and,

**Urban Planning Division Recommendations:**

9. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and the subdivision inspection fees shall be paid.**
  
10. **No. 02PL046 - Section 18, T2N, R8E**  
A request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department to consider an application for a **Layout Plat** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota legally described as GL 4 less ROW; unplatted balance of the SE1/4 SW1/4; unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Country Road and 143rd Street.

**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;**
3. **Upon submittal of the Preliminary Plat, the applicant shall provide an evaluation for on-site waste water system(s);**
4. **Upon submittal of the Preliminary Plat, the applicant shall submit information on the water supply proposed for the development;**
5. **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 143<sup>rd</sup> Street and Country Road or a Subdivision Variance shall be obtained waiving the required subdivision improvements;**
6. **Upon Preliminary Plat submittal, the applicant shall provide a revised site plan showing the location of one approach to the property from 143<sup>rd</sup> Street or provide supporting documentation justifying the need for two approaches to the subject property. If an approach is approved on Country Road, the plat shall be revised to show non-access easement along the Country Road frontage with the exception of the one approved approach location;**
7. **Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show a non-access easement along the 143<sup>rd</sup> Street frontage with the exception of one approved approach located as far north on 143<sup>rd</sup> Street as possible;**
8. **Upon Preliminary Plat submittal, the plat shall be revised to reflect the dedication of an additional five feet of right of way along the 143<sup>rd</sup> Street frontage;**

**Fire Department Recommendations:**

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

**Pennington County Planning Department Recommendation:**

10. Prior to Final Plat approval by the City Council, a lot size variance shall be obtained or the property shall be rezoned to Suburban Residential District;

**Pennington County Register of Deeds Recommendation:**

11. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the name of the subdivision as North Haines Subdivision;

**Urban Planning Division Recommendations:**

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

11. **No. 02PL047 - Pine View Terrace**

A request by Wyss Associates, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Southwest Middle School, 4501 Park Drive.

**Planning Commission recommended that the Layout Plat be continued to the June 20, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

12. **No. 02PL048 - Section 23, T2N, R7E**

A request by Doug Sperlich for Rushmore Electric to consider an application for a **Layout, Preliminary and Final Plat** on Tract C located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota legally described as a portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Cabot Hill.

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

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the City Council, design plans for all required public improvements shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the requirement for the improvements;

2. **Prior to Final Plat approval by the City Council, a note shall be placed on the plat stating that the use of the property shall be limited to a communication tower and accessory uses;**

**Emergency Services Communication Center Recommendation:**

3. **Prior to Final Plat approval by the City Council, the plat shall be revised to show the road name for the private access easement as "Cabot Hill Road";**

**Pennington County Planning Department Recommendation:**

4. **Prior to Final Plat approval by the City Council, the property shall be rezoned to Suburban Residential District or a Variance to waive the lot size requirement in the General Agriculture District shall be obtained;**

**Urban Planning Division Recommendations:**

5. **Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,**
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 or a Variance to the Subdivision Regulations shall be obtained.**

13. **No. 02PL049 - Section 14, T1N, R8E**

A request by Davis Engineering to consider an application for a **Layout Plat** on Block 1, Lots 1 thru 20; Block 2, Lots 1 thru 11; Block 3, Lots 1 thru 21; Block 4, Lots 1 thru 18; Block 5, Lots 1 thru 16; Block 6, Lots 1 thru 20; Block 7, Lots 1 thru 9; Block 8, Lots 1 thru 18; Block 9, Lots 1 thru 25; Block 10, Lots 1 thru 48; and Block 11, Lots 1 thru 29; Murphy Ranch Estates Subdivision, located in the NW1/4 Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as Tract F of the NW1/4 less Murphy's Subdivision and ROW, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 800 feet east of Reservoir Road on Longview Road.

**Planning Commission recommends that the Layout Plat be continued to the June 20, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.**

15. **No. 02PL051 - Original Town of Rapid City**

A request by CSU Properties, LLC to consider an application for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the southeast corner of the intersection of 5th Street and North Street.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 20, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.**



16. No. 02PL052 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Layout Plat** on GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of future 5th Street.

**Planning Commission recommended that the Layout Plat be continued to the June 20, 2002 Planning Commission meeting to allow the applicant to submit a Master Plan.**

18. No. 02SR005 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **11-6-19 SDCL Review to allow the extension of Concourse Drive, a public road, from the east of Elk Vale Road to the intersection of Twilight Drive and Pacific Drive** on the unplatted balance of SE1/4 less Lot H1, less Lot H3 of W1/2 SE1/4 and less Lots H3 and H4 of E1/2 SE1/4; Lot 2 of Lot B of SE1/4 SE1/4; all in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road to the intersection of Pacific Drive and Twilight Drive.

**Planning Commission recommends that the 11-6-19 SDCL Review to allow the extension of Concourse Drive, a public road, from the east of Elk Vale Road to the intersection of Twilight Drive and Pacific Drive be approved with the following stipulation:**

**Urban Planning Division Recommendations:**

**1. The public road shall be named Concourse Drive.**

20. No. 02SR007 - Rapid City Greenway Tract

A request by Brian Maliske for the Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review to allow the expansion of an On-Sale Liquor establishment** a portion of Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; a portion of Lot B of Block 4 and of Block 14 and of Block 24 (which includes Lots 17 thru 32 of Block 4, Lots 1 thru 32 of Block 14, Lots 1 thru 16 of Block 24, a vacated portion of Philadelphia Street, a vacated portion of Denver Street and the vacated alleys in Block 14 and 24) all located in SW1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; a portion of Lot ER formerly Lot C and Lot E of portions of Blocks 3, 4, 5, 6, 13, 14, 15, 16, 24, 25, 26 and adjacent vacated alleys and streets, all in the Original Townsite of Rapid City, Pennington County, South Dakota, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and a portion of Lot F, formerly Lot C and Lot E of portions of Blocks 3, 4, 5, 6, 13, 14, 15, 16, 24, 25, 26 and adjacent vacated alleys and streets, all in the Original Townsite of Rapid City, Pennington County, South Dakota, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 North Mt. Rushmore Road.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow the expansion of an On-Sale Liquor establishment be approved with the following stipulations:**

**Fire Department Recommendations:**

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniformed Fire Code and the Assembly Manual;

**Police Department Recommendations:**

3. That two exits with security personnel at each exit must be maintained;
4. The area serving alcohol must be double-fenced with a minimum of eight feet between the fences;

**Urban Planning Division Recommendations:**

5. Prior to the initiation of any event, parking shall be provided as required by the City Council;
6. Prior to any future events, the Civic Center must notify the Police and Fire Departments;
7. Prior to any future events, a Temporary Use Permit must be obtained from the Building Inspection Department;
8. The Temporary Use Permit will be subject to review in one year;
9. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event; and,
10. A site plan indicating the location of any signs to be posted in conjunction with the event must be provided prior to Planning Commission.

21. **No. 02SR009 - Airport Subdivision**

A request by TSP Three, Inc. to consider an application for an **11-6-19 SDCL Review to allow public improvements** on Block 34, 35, 36, 37, 46, 47, 48, and the west 145 feet of Block 49, Airport Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Curtis Street and Lindbergh Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow public improvements be continued to the June 20, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

1. Approval of the May 23, 2002 Planning Commission Meeting Minutes.

Kooiker advised that the agenda on the CD that the Planning Commissioners received contained two sets of minutes: the May 23, 2002 Planning meeting minutes and the May 29, 2002 Planning Commission training session minutes.

Elkins suggested that the Planning Commission approve the May 23, 2002 Planning Commission meeting minutes today and the May 29, 2002 Planning Commission training session minutes will be placed on the June 20, 2002



Planning Commission agenda.

**Kooiker moved, Swedlund seconded and carried unanimously to approve the May 23, 2002 Planning Commission meeting minutes. (10 to 0)**

7. 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 distributed a letter from Eldene Henderson, adjacent property owner, in reference to her granting an easement to the applicant for the proposed detention facility. Fisher advised that the agent provided additional required information yesterday at 3:55 p.m. Fisher added that staff recommends that the Preliminary and Final Plat be continued to the June 20, 2002 Planning Commission meeting to allow staff sufficient time to review the information.

Hani Shafi, Dream Design International, discussed the relocation of the sewer line, minor modifications to the drainage plan, a cost sharing agreement with the City for the 12 inch water line extension along Haines Avenue, the location of detention facilities, obtaining a drainage easement from the adjacent property owner, delays, and resolution of minor issues. Shafi advised that the adjacent property owner has agreed to the drainage easement and added that the necessary legal documentation for the sale of a portion of Lot 7 of Madison Subdivision should be completed by the end of the week. Shafi requested that the Planning Commission approve the Preliminary and Final Plat with the stipulation that any comments or stipulations from staff will be addressed prior to City Council approval.

Nelson commented that the Engineering staff would like an opportunity to review the drainage plans and present any stipulations to the Planning Commission before providing a recommendation to the City Council.

In response to a question by Swedlund, Shafi advised that Eldene Henderson was present in the audience and in his opinion was confident that an easement agreement for the detention dam would be in place prior to City Council approval.

Shafi stressed that the applicant did not want to continue the Preliminary and Final Plat due to the short construction season and added that the applicant was agreeable to the stipulations.

In response to a question by Wall, Nelson advised that the design plans are in place and added that the proposed location is satisfactory for the detention pond.

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

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the Planning Commission, a revised water plan shall be submitted for review and approval. In addition, construction plans for the 12 inch water line along Haines Avenue shall be submitted for review and approval prior to Final Plat approval by the City Council. The 12 inch water line shall be constructed prior to issuance of a building permit;
2. Prior to Final Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the 12 inch water line extension along Haines Avenue;
3. Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plan shall identify the sewer line along Haines Avenue shifted to the east such that it will be centered in a future additional south bound lane. In addition, access for maintenance of the manhole(s) shall be provided;
4. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City allowing the Mall Ridge Lift Station to serve the proposed development. Current and/or future connection fees shall be identified and paid accordingly;
5. Prior to Preliminary Plat approval by the Planning Commission, a revised drainage plan shall be submitted for review and approval identifying all storm water management facilities, including all conveyance elements. Detention facilities shall be located exclusively on the subject property or drainage easements shall be obtained from the adjacent property owner. Any such easements shall be recorded at the Register of Deed's Office prior to Preliminary Plat approval by the City Council;
6. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall demonstrate that no inter basin transfer of drainage flows is occurring or documentation shall be provided identifying the legal right to transfer the drainage;
7. Prior to Preliminary Plat approval by the City Council, an interim drainage and erosion control plan for the proposed phases of development, including borrow or waste sites, shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the Planning Commission, the construction plans and the phasing plan(s) shall be coordinated and submitted for review and approval;
9. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the

red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

**Fire Department Recommendation:**

10. The Uniform Fire Code shall be continually met;
11. Prior to Final Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval;

**Pennington County Highway Department Recommendation:**

12. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with Pennington County stating that the applicant shall pay the true cost of the construction for his share of the Haines Avenue improvements and that surety shall be posted for the estimated cost with the amount being adjusted as necessary;

**Urban Planning Division Recommendations:**

13. Prior to Final Plat approval by the City Council, the property shall be rezoned to allow the proposed residential development and the Rapid City Comprehensive Plan shall be amended accordingly;
14. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
15. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
16. Prior to Final Plat approval by the City Council, surety for all subdivision improvements shall be posted and the subdivision inspection fees shall be paid.

Dean Henderson, adjacent property owner, stated that his mother is very close to signing an agreement with the applicant concerning the easement but added that they would like to review the new drainage plans.

Shafi stated that there were some minor modifications to the size of the detention dam in order to accommodate additional water that was diverted upstream by the original property owner. Shafi explained that the plan is to enlarge the detention dam and added that this does not affect the drainage easement. He advised that he would review the drainage plans with the Hendersons.

Elkins suggested that the Planning Commission revise stipulations 1, 3, 5, 6, and 8 to indicate that prior to Final Plat approval by the city Council, the applicant shall submit the water plan, cost sharing agreement, sewer plan, revised drainage plan and demonstrate that no inter basin transfer of drainage flows is occurring.

In response to a question by Wall, Elkins stated that the Engineering staff has not had an opportunity to review the recently submitted information.

Hoffman stated that in his opinion the Planning Commission is moving in haste to approving the Preliminary and Final Plat without staff having an opportunity to

review the information and prepare a recommendation to the Planning Commission.

Kooiker stated that in his opinion he did not see anything that was preventing the Planning Commission from approving the Preliminary and Final Plat. Kooiker added that if there are major issues that need to be addressed, these issues can be addressed by the City Council. Kooiker stated that the applicant has been straight forward with the Planning Commission and is willing to comply with the additional stipulations. Kooiker added that he plans to recommend approval of the Preliminary and Final Plat.

In response to a question by Scull, Fisher advised that the staff report was posted on the internet on Friday, May 31, 2002. She added that the staff report has not been changed other than to reflect that it has been continued the last two Planning Commission meetings.

Discussion followed concerning the cost sharing agreement, the inter basin transfer of drainage flows and the drainage easement.

Scull stated the he planned to recommend approval of the Preliminary and Final Plat but expressed his concern with the burden placed on staff to try to provide an accurate and proper recommendation to the Planning Commission when the applicant and consultants do not submit additional required information in a timely manner.

Hoffman concurred with Scull. Hoffman reiterated that there is a process that consultants and applicants must follow so that the Planning Commission can provide proper and effective planning.\

**Swedlund amended his motion to include that stipulations 1, 3, 5, 6, and 8 be met prior to City Council approval. The second concurred.**

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

**Engineering Division Recommendations:**

- 1. Prior to Preliminary Plat approval by the City Council, a revised water plan shall be submitted for review and approval. In addition, construction plans for the 12 inch water line along Haines Avenue shall be submitted for review and approval prior to Final Plat approval by the City Council. The 12 inch water line shall be constructed prior to issuance of a building permit;**
- 2. Prior to Final Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the 12 inch water line extension along Haines Avenue;**
- 3. Prior to Preliminary Plat approval by the City Council, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plan shall identify the sewer line along Haines Avenue shifted to the east such that it will be centered in a future additional**

- south bound lane. In addition, access for maintenance of the manhole(s) shall be provided;
4. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City allowing the Mall Ridge Lift Station to serve the proposed development. Current and/or future connection fees shall be identified and paid accordingly;
  5. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval identifying all storm water management facilities, including all conveyance elements. Detention facilities shall be located exclusively on the subject property or drainage easements shall be obtained from the adjacent property owner. Any such easements shall be recorded at the Register of Deed's Office prior to Preliminary Plat approval by the City Council;
  6. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that no inter basin transfer of drainage flows is occurring or documentation shall be provided identifying the legal right to transfer the drainage;
  7. Prior to Preliminary Plat approval by the City Council, an interim drainage and erosion control plan for the proposed phases of development, including borrow or waste sites, shall be submitted for review and approval;
  8. Prior to Preliminary Plat approval by the City Council, the construction plans and the phasing plan(s) shall be coordinated and submitted for review and approval;
  9. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

**Fire Department Recommendation:**

10. The Uniform Fire Code shall be continually met;
11. Prior to Final Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval;

**Pennington County Highway Department Recommendation:**

12. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with Pennington County stating that the applicant shall pay the true cost of the construction for his share of the Haines Avenue improvements and that surety shall be posted for the estimated cost with the amount being adjusted as necessary;

**Urban Planning Division Recommendations:**

13. Prior to Final Plat approval by the City Council, the property shall be rezoned to allow the proposed residential development and the Rapid City Comprehensive Plan shall be amended accordingly;
14. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
15. Prior to Preliminary Plat approval by the City Council, a subdivision

**estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,**

- 16. Prior to Final Plat approval by the City Council, surety for all subdivision improvements shall be posted and the subdivision inspection fees shall be paid. (8 to 2 with Kooiker, Swedlund, Stone, Scull, Wall, Hoffman, Prairie Chicken and Fast Wolf voting yes and Mashek and Wevik voting no)**

8. 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 stated that staff is recommending that the Preliminary and Final Plat be continued to the June 20, 2002 Planning Commission meeting as several stipulations of approval have not been met. She noted that the required information was submitted on June 5, 2002 at 3:55 p.m. and staff has not had sufficient time to review the new information.

Hani Shafi, Dream Design International, discussed fire flow issues and drain fields.

Fisher stated that stipulations 1 thru 4 are still pending. She added that the staff report has not changed other than to reflect that it has been continued the last two Planning Commission meetings.

In response to a question by Swedlund, Nelson advised that in his opinion he believed that stipulations 1 thru 4 could be resolved prior to the June 17, 2002 City Council meeting.

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

**Engineering Division Recommendations:**

- 1. Prior to Preliminary Plat approval by the Planning Commission, a hydraulic study shall be submitted for review and approval demonstrating that the U.S. Highway 16 water zone shall function correctly to serve the development. In addition, the applicant shall enter into an agreement with the City for any off-site improvements that may be necessary. The water plan shall be revised to provide a water line connection to Catron Boulevard;**



2. Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plans shall show the connection of sewer lines to Enchantment Road and across the entire frontage of the proposed lots. The sewer plans shall also demonstrate that the adjacent property located north of the property can be sewerred by gravity through the subject property;
3. Prior to Preliminary Plat approval by the Planning Commission, revisions to the recently submitted Master Plan for the water, sewer and street(s) shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the Planning Commission, a revised geotechnical report, including pavement designs and specifications, shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the Planning Commission, a revised grading and drainage easement shall be submitted for review and approval. In particular, the revised plan(s) shall demonstrate that the transfer of drainage flows between basins shall be limited to a maximum of 4 cfs and that no flows in excess of this shall be conveyed to the east of the subject property;
6. Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show additional utility and drainage easement(s) as needed;
7. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
8. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Enchantment Road except for the approved approach locations;
9. Design Plans for all improvements, including off-site improvements, and any required revisions as identified by the Engineering Division shall be submitted for review and approval a minimum of ten working days prior to City Council approval of the Preliminary Plat;

**Fire Department Recommendation:**

10. The Uniform Fire Code shall be continually met;

**South Dakota Department of Transportation Recommendation:**

11. Prior to Final Plat approval by the City Council, the applicant shall sign a cost sharing agreement for the construction of an east bound left turn lane along Catron Boulevard if and when deemed necessary by the South Dakota Department of Transportation;

**Emergency Services Communication Center Recommendation:**

12. Prior to Final Plan approval by the City Council, an alternate road name for "Eastridge Road" shall be submitted for review and approval. In addition, the plat shall be revised accordingly;

**Register of Deeds Recommendation:**

13. Prior to Final Plat approval by the City Council, the plat title shall

be revised to include "Estates" in the lot and block description:

**Urban Planning Division Recommendations:**

14. Prior to Preliminary Plat approval by the Planning Commission, the plat shall be revised to eliminate eight (8) lots along the west lot line of the subject property or a Special Exception shall be obtained to allow more than 40 dwelling units to be served by one point of access and 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.
15. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District with a Planned Development Designation;
16. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
17. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
18. 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.

Hoffman stated that he would not support the motion to approve the Preliminary and Final Plat and added that he believes that staff needs more time to review the recently submitted information.

Wall expressed concerns with no west bound turn lane being provided on Catron Boulevard.

Discussion followed concerning the cost sharing agreement between the applicant and the South Dakota Department of Transportation for the construction of an east bound left turn lane along Catron Boulevard.

Nelson explained that there is a second west bound lane that functions as a right turning lane. Shafi stated that he was not opposed to adding a stipulation for a west bound turn lane as long as the cost sharing agreement between the applicant and the South Dakota Department of Transportation does not change.

In response to a question by Swedlund, Elkins advised that the agreement would have to be re-negotiated between the applicant and the South Dakota Department of Transportation.

**Wall made a friendly amendment to the motion to include a west bound turn lane to stipulation #11. The motion maker and second concurred.**

**The vote on the motion to approve the Preliminary and Final Plat with the following stipulations failed:**

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the Planning Commission, a hydraulic study shall be submitted for review and approval demonstrating that the U.S. Highway 16 water zone shall function correctly to serve the development. In addition, the applicant shall enter into an agreement with the City for any off-site improvements that may be necessary. The water plan shall be revised to provide a water line connection to Catron Boulevard;
2. Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plans shall show the connection of sewer lines to Enchantment Road and across the entire frontage of the proposed lots. The sewer plans shall also demonstrate that the adjacent property located north of the property can be sewerred by gravity through the subject property;
3. Prior to Preliminary Plat approval by the Planning Commission, revisions to the recently submitted Master Plan for the water, sewer and street(s) shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the Planning Commission, a revised geotechnical report, including pavement designs and specifications, shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the Planning Commission, a revised grading and drainage easement shall be submitted for review and approval. In particular, the revised plan(s) shall demonstrate that the transfer of drainage flows between basins shall be limited to a maximum of 4 cfs and that no flows in excess of this shall be conveyed to the east of the subject property;
6. Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show additional utility and drainage easement(s) as needed;
7. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
8. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Enchantment Road except for the approved approach locations;
9. Design Plans for all improvements, including off-site improvements, and any required revisions as identified by the Engineering Division shall be submitted for review and approval a minimum of ten working days prior to City Council approval of the Preliminary Plat;

**Fire Department Recommendation:**

10. The Uniform Fire Code shall be continually met;

**South Dakota Department of Transportation Recommendation:**

11. Prior to Final Plat approval by the City Council, the applicant shall sign a cost sharing agreement for the construction of an east bound left turn lane along Catron Boulevard if and when deemed necessary

by the South Dakota Department of Transportation;

**Emergency Services Communication Center Recommendation:**

12. Prior to Final Plan approval by the City Council, an alternate road name for "Eastridge Road" shall be submitted for review and approval. In addition, the plat shall be revised accordingly;

**Register of Deeds Recommendation:**

13. Prior to Final Plat approval by the City Council, the plat title shall be revised to include "Estates" in the lot and block description:

**Urban Planning Division Recommendations:**

14. Prior to Preliminary Plat approval by the Planning Commission, the plat shall be revised to eliminate eight (8) lots along the west lot line of the subject property or a Special Exception shall be obtained to allow more than 40 dwelling units to be served by one point of access and 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.
15. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District with a Planned Development Designation;
16. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
17. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
18. 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. (4 to 6 with Kooiker, Swedlund, Wall and Prairie Chicken voting yes and Stone, Scull, Hoffman, Wevik, Fast Wolf and Mashek voting no)

**Swedlund moved and Stone seconded to continue the Preliminary and Final Plat to the June 20, 2002 Planning Commission meeting.**

Shafi presented a review a review of the proposed subdivision and discussed the remaining stipulations that need to be resolved.

**Wall called the question.**

**There being no objection to calling the question, the vote on the motion carried to continue the Preliminary and Final Plat to the June 20, 2002 Planning Commission meeting. (9 to 1 with Kooiker voting no)**

14. No. 02PL050 - Flannery Subdivision No. 2  
A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2

located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 7, 8, and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Ireland Place and Corral Drive.

Dan Ferber, Ferber Engineering Company for Kelly Flannery, expressed his concerns with the Preliminary and Final Plat being continued to the July 3, 2002 Planning Commission meeting. Ferber explained that the infrastructure has been constructed and added that the applicant is working with the City and the contractor to resolve the pavement issue. Ferber requested that the Planning Commission approve the Preliminary and Final Plat with the stipulation that the pavement issue be resolved prior to City Council approval.

Elkins explained that this plat has a long standing legal issue pending concerning the installation of the improvements. She added that the improvements have not been accepted by the City. Elkins stated that staff recommends that the Planning Commission continue the Preliminary and Final Plat to the July 3, 2002 Planning Commission meeting to allow the applicant time to complete the required subdivision improvements in accordance with the approved engineering plans.

Bill Knight, Assistant Fire Chief, discussed emergency turnarounds and the placement of emergency access. Knight stated that staff is willing to work with the applicant to accomplish construction of an emergency turnaround.

Kooiker stated that the staff report does not indicate any long standing legal issues. Kooiker stated that he was confused on what the delay was in approving the Preliminary and Final Plat. Elkins explained that the improvements were done improperly and further explained that until the improvements are accepted by the City, they are considered to not have been completed.

Kooiker asked if the improvements and the legal issues are one in the same. Elkins advised that they are related.

Discussion followed concerning the continuance of the Preliminary and Final Plat and the status of the road. Elkins explained that the City Attorney's office recommended the continuance to the July 3, 2002 Planning Commission meeting based on when they thought the pending litigation issues could be resolved.

Ferber stated that he was not aware of any pending litigation. He added that the infrastructure has been completed and he acknowledged that there is a problem with checking in the pavement. Ferber further expressed his frustration with the City holding up the development of the subdivision and the approval of the Preliminary and Final Plat because of checking the surface of the asphalt. He stated that he believes this is a warranty issue and added that in his opinion the City wants Flannery to sue the paving contractor to re-do the improvements.

Elkins explained that the City's role in the approval of the Preliminary and Final

Plat is to make sure that the improvements that were required s part of the 1998 plat are completed. She further added that the taxpayers do not want to end up paying for the cost of replacing a road that was not property installed. Elkins explained that it is the applicant's responsibility to make sure that the improvements are completed and the City does not want to complicate the ownership issues further by allowing further platting of this property.

Green explained that it is within the providence of the Planning Commission to decline to approve a plat when the infrastructure with in a subdivision has not been constructed to City standards.

**Swedlund moved and Mashek seconded to recommend that the Preliminary and Final Plat be continued to the June 20, 2002 Planning Commission meeting.**

In response to a question by Scull, Ferber advised that lower 1/3 portion of the road on the right hand side within the six feet closest to the east curb needs to have the top 1 1/2 inch layer milled and replaced. He added that on the west side of the road the upper 1/3 portion of the road also need to be redone. Ferber expressed his opinion that the total area that needs to be repaired is less than 20% of a 1/4 mile long street with a cul-de-sac at the end that serves 13 lots.

Discussion followed concerning calling the bond, warranty and acceptance issues, and other options available to the City.

In response to a question by Scull, Nelson advised that in his opinion he would characterize the improvement issue as a warranty item. Nelson added that there is no dispute in what needs to be done between the City and the developer. Nelson explained that the City would like the applicant to do a mill overlay and replace the top layer. Nelson advised that City's requirement that the subdivision improvements be completed in accordance with the approved engineering plans is a justifiable tool to accomplish resolution of the paving issue since the developer's contractor is not being cooperative. Nelson added that the contractual agreement is between the City and the developer not the City and the applicant's contractor. He added that staff would like to see this issue resolved during this paving season.

Wall stated that he does not want to delay the approval of the Preliminary and Final Plat but feels that the Planning Commission needs some assurance that the subdivision improvements will be completed in accordance with the approved engineering plans. He added that he would support the motion to continue.

**Swedlund called the question.**

**There being no objections to calling the question, the vote on the motion carried unanimously to continue the Preliminary and Final Plat be continued to the June 20, 2002 Planning Commission meting to allow the applicant time to complete the required subdivision improvements in accordance with the approved engineering plans. (10 to 0)**



17. No. 02PL053 - Elks Country Estates

A request by Doug Sperlich for Dennis Zandstra to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 4 of Block 11, Elks Country Estates, located in the NE1/4 of the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tracts 1 and 2, Elks Country Estates, the E1/2 of Section 16, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Augusta Drive and Northstar Court.

Discussion followed concerning the naming of Northstar Court.

In response to a question by Wall, Elkins explained that the Emergency Services Communication Center has recommended that the court have as specific and independent name in order to avoid confusion.

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

**Engineering Division Recommendations:**

1. **Prior to Final Plat approval by the City Council, the plat shall be revised to show the 100 year federally designated floodplain boundaries;**
2. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
3. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (10 to 0)**

19. No. 02SR006 - 11-6-19 Review

A request by Randy Adams for Black Hills Power & Light to consider an application for **11-6-19 SDCL Review to allow the construction of a utility line located in the Section Line Right-of-Way** between Section 13, T1N, R7E and Section 18, T1N, R8E and between Section 24, T1N, R7E and Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Fisher advised that stipulation #1 has not been met and staff recommends that the 11-6-19 SDCL review to allow the construction of a utility line located in the Section Line Right-of-Way be continued to the June 20, 2002 Planning Commission meeting.

**Scull moved, Stone seconded and carried unanimously to recommend that the 11-6-19 SDCL Review to allow the construction of a utility line located in the Section Line Right-of-Way be continued at the June 20, 2002 Planning Commission meeting ( 9 to 0 with Wevik abstaining)**

Swedlund request that items 22 thru 33 be reviewed concurrently.

22. No. 02CA019 - Section 19, T1N, R8E - Comprehensive Plan Amendment -

- Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** to include a drainage area within 550 feet of Catron Boulevard on the north 500 feet of the east 460 feet of Government Lot 3 of the NW1/4 SW1/4 and that portion of the SW1/4 NW1/4 lying south of Catron Boulevard, all located in Section 19, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of the proposed 5th Street extension.
23. No. 02CA020 - Section 19, T1N, R8E - Comprehensive Plan Amendment - Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on that portion of the SE1/4 SE1/4 lying southeast of the proposed 5th Street extension in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
  24. No. 02CA021 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the east 500 feet of the south 1040 feet of the SE1/4 SE1/4 and west of proposed 5th Street extension, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
  25. No. 02CA022 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the west 890 feet of the south 1040 feet of the SE1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
  26. No. 02CA023 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the NE1/4 SE1/4 less Hwy 16B ROW and the north 280 feet of the SE1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
  27. No. 02CA024 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the north 730 feet of the west 150 feet of the NE1/4 SE1/4 and the north 600 feet of the east 1170 feet of the NW1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
  28. No. 02CA025 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the south 150 feet of the west 150 feet of the NW1/4 SE1/4 and the south 280 feet of the east 1170 feet of the NW1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.

29. No. 02CA026 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the south 1040 feet of the SW1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
30. No. 02CA027 - Section 24, T1N, R7E Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on that portion of the north 735 feet lying south of Catron Boulevard in the NE1/4 SW1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
31. No. 02CA028 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the south 585 feet of the NE1/4 SW1/4 and that portion of the SE1/4 SW1/4 all lying more than 550 feet from the Catron Boulevard right-of-way in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
32. No. 02CA029 - Section 24, T1N, R7E - Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan - **Summary of Adoption Action** on the east 500 feet of the south 1040 feet of the SE1/4 SE1/4 west of the proposed 5th Street extension, the west 820 feet of the south 1040 feet of the SE1/4 SE1/4, NE1/4 SE1/4 less Hwy 16B ROW and the north 280 feet of the SE1/4 SE1/4, the east 860 feet of the NW1/4 SE1/4, and the east 860 feet of the SW1/4 SE1/4, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of the proposed 5th Street extension.
33. No. 02CA030 - Dunham Estates - Comprehensive Plan Amendment - **Summary of Adoption Action** on the unplatted portions of the E1/2 NE1/4 SE1/4; W1/2 NE1/4 SE1/4; and the E1/2 NE1/4, all located in 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.

Swedlund stated that he requested that Items 22 thru 33 be removed from the Non-Hearing Consent Calendar so that he would be on record as voting against the Summary of Adoption Actions. Swedlund expressed his concerns with the modifications to the Future Land Use Plans and was opposed to the removal of Planned Commercial Designations and Planned Residential Designations. He added that in opinion it is important to have these designations and that there is an excessive quantity of commercial land that is detrimental to the City.

**Wall moved, Hoffman seconded and carried to recommend approval of the Summary of Adoption Actions for Items 22 thru 33 and authorize publication**

in the Rapid City Journal. (9 to 1 with Swedlund voting no)

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

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

Staff requested that Item 40 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 35 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Item 51 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Item 52 be removed from the Hearing Consent Agenda for separate consideration.

Scull moved, Kooiker seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 34 through 54 in accordance with the staff recommendations with the exception of Items 35, 40, 51, and 52. (10 to 0)

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

34. 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; containing 9.690 acres or 422,112.56 square feet, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

**Planning Commission recommended 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 be continued to the July 3, 2002 Planning Commission meeting at the applicant's request.**

\*\*36.

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 approved with the following stipulations:**

Engineering Division Recommendations:

1. **Prior to issuance of a Building Permit, construction plans for the required utility improvements shall be submitted for review and approval;**

Fire Department Recommendations:

2. **All Uniform Fire Codes must be continually met;**
3. **Prior to issuance of a building permit, fire hydrants shall be in place and operational;**

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;**

Building Inspection Division Recommendation:

5. **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:

6. **The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;**
7. **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;**
8. **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;**
9. **All provisions of the Off-Street Parking Ordinance shall be continually met; and,**

10. **The Planned Commercial 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;**
11. **All provisions of the Sign Code shall be continually met; and,**
12. **All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code.**

**\*\*37. 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 Major Amendment to a Planned Commercial Development to allow the sale of new and used vehicles and a parking lot be continued to the July 3, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.**

**\*\*38. No. 02PD020 - Kepp Heights Subdivision #3**

A request by Renner & Sperlich Engineering Co. for Robert E. Moore to consider an application for a **Planned Residential Development - Initial and Final Development Plan** 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 Planned Residential Development - Initial and Final Development Plan be continued to the June 20, 2002 Planning Commission meeting to allow the applicant to submit additional information.**

**\*\*39. No. 02PD021 - Fox Run Subdivision**

A request by Sun-Rise Construction for Dakotah Bank to consider an application for a **Major Amendment to a Planned Commercial Development to change to use of 700 square feet from storage and mechanical to office** on Lots A and B of Lot 1 of Lot A1, Block 2, Fox Run Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3535 5th Street.

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



**Planned Commercial Development to change to use of 700 square feet from storage and mechanical to office be approved with the following stipulations:**

**Fire Department Recommendations:**

1. All fire codes must be continually met;

**Urban Planning Division Recommendations:**

2. All provisions of the Off-Street Parking Ordinance must be continually met; and,
3. All conditions of the original Planned Commercial Development (#1243) and the Amendments to the Planned Commercial Development (#99PD001) and (#99PD015) shall 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.*

41. No. 02PD024 - Rushmore Mall Subdivision

A request by Rushmore Mall for SDG Macerich Properties to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Tract 1 and B of Lot 2 (also in Section 30, T2N, R8E), Rushmore Mall Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue.

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

**Engineering Division Recommendations:**

1. Onsite storm sewer inlets must not be blocked from functioning;
2. Portable toilets must be provided as required by the Building Inspection Division;

**Fire Department Recommendations:**

3. Article 32 of the Uniform Fire Code must be continually met;
4. Access to fire hydrants shall not be blocked or impeded;
5. Fire Department apparatus access to the Rushmore Mall or the Rally area shall not be blocked or impeded;
6. Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval;

**Building Inspection Division Recommendations:**

7. The applicant shall obtain a Temporary Use Permit;
8. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event and Chapter 15.28 of the Rapid City Municipal Code must be continually met;

**Police Department Recommendations:**

9. The area serving on-sale liquor must be double fenced with a minimum of eight feet between the fences;
10. Two exits with security must be provided for the fenced area;
11. Portable toilets must be provided within the fenced area;

**Urban Planning Division Recommendations:**

12. The Temporary On-sale Liquor Establishment use shall be approved for August 3, 2002 through August 10, 2002;
13. The On-sale Liquor Establishment shall cease no later than 11:00 pm;
14. Prior to Planning Commission, a site plan showing any proposed signs for the event must be provided; and,
15. The Temporary Use Permit within the Planned Commercial Development request shall be subject to review in one year.

**\*\*42. No. 02PD025 - Original Town of Rapid City**

A request by CSU Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of 5th Street and North Street.

**Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be continued to the June 20, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

**43. 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; containing 9.690 acres or 422,112.56 square feet, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

**Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be continued to the July 3, 2002 Planning Commission meeting.**

44. No. 02RZ031 - R&L Subdivision

A request by Five T Motorcycle Partnership to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 Lange Road.

**Planning Commission recommends that the Rezoning from Light Industrial District to General Commercial District be approved in conjunction with an Amendment to the Comprehensive Plan to change the land use designation from Light Industrial to General Commercial with a Planned Commercial Development.**

45. No. 02RZ032 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21° 27'02"W, 74.40 feet; thence N68° 32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W,

598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, being more particularly described as follows: Beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22°57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26°53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the

arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N0°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, more generally described as being located west of Sheridan Lake Road - Red Rock Estates Subdivision.

**Planning Commission recommended that the Rezoning from Low Density**



**Residential District to General Agriculture District be approved.**

46. 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 allow lots twice as long as they are wide and 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 allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks along Skyline Drive be continued to the June 20, 2002 Planning Commission meeting to be heard in conjunction with the associated plat.**

47. 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 20, 2002 Planning Commission meeting to be heard in conjunction with the associated Preliminary and Final Plat request.**

48. No. 02SV025 - Canyon Lake Heights

A request by Doug Sperlich for Dean Kelly Construction to consider an application for a **Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive** 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 in 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 in 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 Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive be approved with the following stipulation:**

**Engineering Division Recommendation:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter and sidewalk along Cliff Drive.**

49. **No. 02SV026 - Section 18, T2N, R8E**

A request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota legally described as GL 4 less ROW; the unplatted balance of the SE1/4 SW1/4; the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Country Road and 143rd Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road be approved with the stipulation that the applicant sign a waiver of right to protest agreement for the required improvements.**

50. **No. 02SV027 - Section 23, T2N, R7E**

A request by Doug Sperlich for Rushmore Electric to consider an application for a **Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code** on Tract C located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota legally described as a portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Cabot Hill.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code be approved.**

\*\*53. **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 20, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

**\*\*54.** No. 02UR017 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to allow an On-Sale Liquor Establishment** on a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21° 27'02"W, 74.40 feet; thence N68° 32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet;

thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, being more particularly described as follows: Beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22°57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26°53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence

S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N0°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, more generally described as being located west of Sheridan Lake Road - Red Rock Estates Subdivision.

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

**Engineering Division Recommendations:**

- 1. Applicant shall obtain all applicable permits needed for construction**

- of the site grading, water and sewer services, storm drainage system, parking lot, and access road prior to the initiation of construction on any of these improvements;
2. All water, sewer, and storm drainage improvements called for on the building permit plans shall be constructed prior to any alcohol sale activities on the property;
  3. All parking and circulation areas shall be paved prior to any alcohol sale activities on the property;

**Fire Department Recommendations:**

4. Any storage of golf carts within the clubhouse shall require that the clubhouse be sprinkled;
5. Plans for any fuel storage tanks must be submitted to the Fire Department for approval;

**Building Inspection Division Recommendations:**

6. A building permit must be obtained prior to any construction;
7. A Certificate of Occupancy must be obtained prior to use of parking lot;

**Urban Planning Division Recommendations:**

8. All stipulations required in the Conditional Use Permit #02UR002 approved by the City Council on March 4, 2002 must be continually met;
9. This Conditional Use Permit shall be approved in conjunction with the companion rezoning request; and,
10. This Conditional Use Permit shall only become valid upon the effective date of the rezoning of the property to General Agriculture District.

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

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

35. No. 02CA036 - R&L Subdivision

A request by Five T Motorcycle Partnership to consider an application for a **Comprehensive Plan Amendment to change the land use designation on a 14.83 acre parcel from Light Industrial to General Commercial with a Planned Commercial Development** on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 Lange Road.

In response to a question by Wall, Elkins explained that Comprehensive Plan Amendments to not require that the adjacent property owners be sent a certified notification letter. She added that a notice is published in the Rapid City Journal.

**Wall moved, scull seconded and carried unanimously to recommend that the Comprehensive Plan Amendment to change the land use designation on a**



**14.83 acre parcel from Light Industrial to General Commercial with a Planned Commercial Development be approved. (10 to 0)**

**\*\*40. No. 02PD022 - R&L Subdivision**

A request by Five T Motorcycle Partnership to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 Lange Road.

Elkins distributed and reviewed the revised Police Department recommendations. Elkins stated that staff is recommending approval of the Planned Commercial Development - Initial and Final Development Plan with revised stipulations 6, 7, 8 and 9.

Kooiker expressed concerns with stipulation #9: "There shall be no organized concerts or other entertainment." Kooiker stated that the stipulation is too broad and added that he did not see any problem with having a band or other entertainment on site. He added that the wording does not give the applicant any guidelines as to what they can or cannot do.

Elkins stated that it was her understanding that the applicant met with Chief Tieszen and agreed to the revised stipulations.

Al Reiman, Black Hills Harley Davidson, stated that he appreciated Kooiker's concern regarding the interpretation of "entertainment" but added that the owners did not plan to have any organized concerts or other entertainment the first year. Reiman added that the owners plan to evaluate the success of the event and many plan organized concerts at future events.

In response to a question by Hoffman, Elkins clarified that the event runs from 11:00 a.m. to 11:00 p.m. with the store closing at 11:00 p.m. She added that no alcohol sales shall occur after dark.

Discussion followed concerning private vs. public property, fenced areas, security issues and location of portable toilets.

Scull stated that he was concerned about the elimination of the fencing requirement and potential problems. He added that he would support approval of the Planned Commercial Development - Initial and Final Development Plan for one year.

**Scull moved and Stone seconded to recommend that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Access or inspection ports for the septic system shall be structurally capable of holding any anticipated traffic load;**



**Fire Department Recommendations:**

2. Fire Department must approve Tent Inspection Checklists and Tent Inspection Plan Reviews prior to the event;
3. All current fire codes must be continually met;

**Building Inspection Division Recommendations:**

4. A Temporary Use Permit shall be obtained prior to the initiation of the event each year;
5. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;

**Police Department Recommendations:**

6. All individuals served alcoholic beverages shall be carded and wear a wristband. No alcohol sales shall occur after dark;
7. Adequate security shall be provided at all times including monitoring of incoming and outgoing vehicular traffic while alcohol is being sold on the premises;
8. Staff shall attend the alcohol sales classes presented by the Rapid City Police Department prior to the event;
9. There shall be no organized concerts or other entertainment;

**Urban Planning Division Recommendations:**

10. The Temporary On-sale Liquor Establishment use shall be approved for July 25, 2002 to August 15, 2002 to coincide with the Sturgis Rally and Races;
11. A site plan indicating the location of signs to be posted in conjunction with the event must be provided prior to Planning Commission;
12. The event shall begin at 11am and cease at 11pm;
13. The Temporary Use Permit with the Planned Commercial Development request shall be subject to review in one year; and,
14. The Planned Commercial Development will be in effect in conjunction with the companion rezoning request and Comprehensive Plan Amendment request.

Wall expressed his concerns with the number of events being provided where people are coming and leaving an event where alcoholic beverages are being consumed.

Swedlund stated that he plans to vote in favor of the motion but concurred with Wall.

Discussion followed concerning vendors at the Harley Davidson site. Reiman advised that this is the first year that alcoholic beverages will be served on site. Reiman added that the owners want to provide a controlled and safe event and added that the owners are comfortable with the one year approval.

Hoffman expressed concerns with a dealership providing alcoholic beverages and added that in his opinion it is not appropriate.

Kooiker stated that he also has concerns with traffic, alcoholic beverages being

served on site and the working in the stipulations being vague and confusing.

Mashek concurred with Hoffman and stated that she would not support the motion for approval. Mashek stated that in her opinion this is a dealership selling motorcycle and it is inappropriate to also sell alcoholic beverages.

Prairie Chicken expressed his concerns with the alcoholic beverages being sold on the site.

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

**Engineering Division Recommendations:**

1. Access or inspection ports for the septic system shall be structurally capable of holding any anticipated traffic load;

**Fire Department Recommendations:**

2. Fire Department must approve Tent Inspection Checklists and Tent Inspection Plan Reviews prior to the event;
3. All current fire codes must be continually met;

**Building Inspection Division Recommendations:**

4. A Temporary Use Permit shall be obtained prior to the initiation of the event each year;
5. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;

**Police Department Recommendations:**

6. All individuals served alcoholic beverages shall be carded and wear a wristband. No alcohol sales shall occur after dark;
7. Adequate security shall be provided at all times including monitoring of incoming and outgoing vehicular traffic while alcohol is being sold on the premises;
8. Staff shall attend the alcohol sales classes presented by the Rapid City Police Department prior to the event;
9. There shall be no organized concerts or other entertainment;

**Urban Planning Division Recommendations:**

10. The Temporary On-sale Liquor Establishment use shall be approved for July 25, 2002 to August 15, 2002 to coincide with the Sturgis Rally and Races;
11. A site plan indicating the location of signs to be posted in conjunction with the event must be provided prior to Planning Commission;
12. The event shall begin at 11am and cease at 11pm;
13. The Temporary Use Permit with the Planned Commercial Development request shall be subject to review in one year; and,
14. The Planned Commercial Development will be in effect in conjunction with the companion rezoning request and Comprehensive Plan Amendment request.(6 to 4 with Prairie Chicken, Scull, Stone, Swedlund, Wall and Wevik voting yes and

**Kooiker, Hoffman, Fast Wolf and Mashek voting no)**

***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.***

**\*\*51. 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 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.

Kooiker asked if the applicant would be able to remove the debris by August 8, 2002 or if the application should be denied without prejudice.

Fisher advised that the property owner requested the continuance to August 8, 2002 to allow sufficient time to utilize heavy equipment to remove large concrete pieces from the drainage area. Fisher added that the applicant has indicated that he will be able to accomplish the removal of the debris by August 8, 2002.

**Kooiker moved, Stone seconded and carried unanimously to recommend that the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the August 8, 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. (10 to 0)**

**\*\*52. No. 02UR011 - Rapid River Subdivision**

A request by David Bradsky for Express, Inc. to consider an application for a **Conditional Use Permit to allow a car wash in the General Commercial Zoning District** on Lot 9R-Rev and that portion of vacated Mountain View Road adjacent to said lot of Block 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2123 Jackson Boulevard.

In response to a question by Swedlund, Seaman explained that the property is zoned General Commercial and added that a Conditional Use Permit is required to have a car wash in the General Commercial District. She further explained that the Planning Commission's action on the Conditional Use Permit is final unless there is an appeal to the City Council.

Swedlund expressed concerns regarding building elevations. Seaman advised that the applicant plans to provide elevation drawings and the drawings will be distributed to the Planning Commission as soon as they are received.

**Scull moved, Prairie Chicken seconded and carried unanimously to recommend that the Conditional Use Permit to allow a car wash in the**

**General Commercial Zoning District be continued to the July 3, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (10 to 0)**

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

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 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.

Seaman explained that this item was removed from the Hearing Consent Agenda to allow Stone to abstain from voting and added that staff is recommending that the Preliminary and Final Plat be continued to the July 3, 2002 Planning Commission meeting to allow the applicant time to submit the additional required information.

**Wall moved, Hoffman seconded and carried to recommend that the Preliminary Plat be continued to the July 3, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (9 to 0 with Stone abstaining)**

56. No. 02SE002 - Trailwood Village

A request by Doug Sperlich for Gordon Howie to consider an application for a **Special Exception to Section 1.7.2 of the Street Design Criteria Manual to allow 77 dwelling units taking access from one street** on Lots 1 through 11 of Block 13; Lots 1 through 24 of Block 14; and Lots 1 through 19 of Block 15, Trailwood Village, located in the NE1/4 of the SE/14 of Section 10, T1N, R8E, BHM, Pennington County legally described as a portion of Tract T of Trailwood Village located in the NE1/4 of the SE/14 of Section 10, T1N, R8E, BHM, Pennington County, more generally described as being located southwest of the intersection of Saturn Street and Reservoir Road.

Seaman presented the request and reviewed the staff report, slides and staff's recommendation.

Kooiker stated that he did not understand this request. He commented that a few weeks ago there was considerable discussion regarding Heidiway Lane and the need for two accesses to 13 lots. Kooiker asked what the difference was between that request and this request for a Special Exception to the Street Design Criteria Manual to allow for one means of ingress and egress to 77 dwelling units.

Elkins explained that the Trailwood Village Layout Plat was previously approved prior to the 40 dwelling unit rule being adopted and that staff feels obligated to stand behind the previously approved Layout Plat. She further explained that the access into Dunham Estates was not safe, it was new project, it had had never been granted an approval before the adoption of the 40 dwelling unit rule, and Heidiway

Lane did not meet City standards. She added that staff was also concerned with public safety issues associated with the grades, landing and the site distances onto Sheridan Lake Road.

In response to a question by Kooiker, Elkins advised that 77 dwelling units were approved during the Layout Plat approval.

**Stone moved, Hoffman seconded and carried unanimously to recommend that the Special Exception to Section 1.7.2 of the Street Design Criteria Manual be approved with the stipulation that no more than 77 dwelling units be allowed to take access from Mercury Drive. (10 to 0)**

57. No. 02OA008 - Adult Oriented Businesses

A request by City of Rapid City to consider an application for an Ordinance amending Chapter 17.50 of the Rapid City Zoning Ordinance by adding a new Section 17.50.186 prohibiting sexually oriented businesses in Residential Zoning Districts, the Central Business District, and within 1000 feet of certain facilities.

Elkins reviewed the request and staff's recommendation.

Kooiker stated that in his opinion the ordinance was very well written but suggested adding a severability clause. Green concurred that a severability clause would be a good addition to the ordinance.

Kooiker questioned the verbiage concerning public or private educational facilities. Green stated that in his opinion nothing is gained by separating daycare facilities out from this section. Green explained that the language in the ordinance indicates that educational facilities include but are not limited to a long list of other facilities. Green stated that with this language it makes it clear that daycares are included within the definition of an educational facility. Green added that this is common in ordinance and statute drafting to define ordinary words in unusual ways to include more than what their ordinary meaning would encompass for readability purposes.

Kooiker asked if educational facilities are defined as including daycare facilities for the purpose of this ordinance. Kooiker wanted to make sure that there would not be any confusion in Court as to what the intent was. Green stated that in his opinion there would be no confusion as to the intent.

Kooiker asked if Section D - Location of Sexually Oriented Businesses should be revised to include Office Commercial Zoning District. Elkins advised that an entertainment facility is not a permitted use in the Office Commercial Zoning District and she added that this does not need to be added to Section D.

Kooiker asked if there is Conditional Use Permit process for sexually oriented business. Green stated that Mike Booher, Assistant City Attorney, is currently conducting further research on this issue as some court have held that requiring a Conditional Use Permit for an adult oriented business is unconstitutional and is called a "prior restraint" on free speech. Greens tatted hat Booher should have an answer prior to second reading of the ordinance.

Discussion followed concerning zoning district where adult oriented businesses would be allowed as a conditional use and amending the ordinance.

In response to a question by Prairie Chicken, Green advised that current adult oriented businesses in the Central Business District would be grandfathered and allowed to remain at their current location but they would be unable to expand.

Discussion followed concerning other public property locations such museums, the Visitor Information Center and the Civic Center. Elkins stated that Booher has attempted to draft the ordinance similar to other ordinances that have been upheld by the courts. Mashek requested that Booher conduct additional research into adding additional public property locations to the ordinance.

**Kooiker moved and Stone seconded to continue the Adult Oriented Business Ordinance to the June 20, 2002 Planning Commission meeting to allow staff time to include a severability clause and to conduct additional research concerning sexually oriented businesses not being permitted to operate within one thousand (1000) feet of public property locations.**

**Hoffman made a substitute motion and Mashek seconded to recommend approval of the Adult Oriented Business Ordinance with the stipulation that staff include a severability clause and to amend Section D to include other public properties such as museums, the Visitor Information Center and the Civic Center.**

Kooiker stated that he also wanted to see the ordinance moved forward butt added that his motion to continue was based on the fact that the person who drafted the ordinance was not present to answer questions.

Wall stated that he does not support recommending approval of the draft ordinance without the Planning Commission having an opportunity to review and discuss the revisions.

Discussion followed concerning a continuance, revising Section D and issues related to conditional use permits.

**Hoffman withdrew his substitute motion.**

**The vote on the motion carried unanimously to recommend that the Adult Oriented Business Ordinance amendment be continued to the June 20, 2002 Planning Commission meeting to allow staff time to include a severability clause and to conduct additional research concerning sexually oriented businesses not being permitted to operate within one thousand (1000) feet of other public property locations (10 to 0)**

57A. Hiring Procedures

Wevik stated that at the Special Planning Commission meeting on May 29, 2002, the Planning Commission directed the City Attorney's office to review current hiring



practices and determine if the Planning Commission was in compliance with State Law, City ordinance or internal bylaws.

Green distributed a Memorandum prepared by Adam Altman, City Attorney. Green stated that in the opinion of the City Attorney's Office the status of the Planning Director under Stat law and City ordinance is unclear and it is a matter that the City Council needs to clarify.

Hoffman asked Green to summarize the memorandum. Green stated that there is a specific provision in state law that allows the City Council to hire a Planning staff, Planning engineers and other people to work with the Planning Commission. He added that there is also a provision in the City ordinance that indicates that the Planning Commission may have some authority to hire Planning Staff; however, the first words of Section 2.60.080 state, "Subject to the approval of the Common Council." Green further advised that in his opinion the City Council approves whatever the Planning Commission might recommend. Green stated that the present practice has been that all of the Planning staff is hired by the Planning Director and added that State law provisions state that any Planning staff that is hired is subject to all of the rules and procedures of other municipal employees. Green explained that all other municipal employees are hired by the appointed department head and in this case it would be the Planning Director. He added that these municipal employees are subject to the supervision of the Planning Director or their individual department head. Green stated that in the opinion of the City Attorney's Office the City Council should act to clarify what is the status of the Planning Director's position. Green stated that currently the Planning Director is responsible for more than just the statutory Planning Commission functions. Green explained that the Planning Director supervises Air Quality, GIS and Transportation functions and that it appears that the Planning Director is an independent department head and not an employee under the direct control and supervision of the Planning Commission.

Hoffman stated that he believes that staff resources have been stretched to their maximum and he is opposed to continuing to use City resources to research this issue and support the current hiring practices.

In response to a question by Wevik, Green advised that the current hiring practices are consistent with State law, City ordinance and the Planning Commission Bylaws.

Discussion followed concerning whether or not to form a hiring committee so that the Planning Commission can become more actively involved in the hiring process or to forward a formal resolution in support of the existing hiring practices to the City Council.

**Hoffman moved and Scull seconded to approve a resolution in support of the current hiring practices for the Planning Department.**

Kooiker stated that he needed more time to review the memorandum and that he supports having the City Council clarify the status of the Planning Director.

Swedlund expressed his concerns that the Planning Commission has not had

adequate time to digest a four page memorandum and make a decision today. Swedlund stated that the memorandum is fairly equivocal i.e. Footnote #2, Page 2, Paragraph 1, Sentence 1, the use of may rather than shall and the use of permissive vs. mandatory language. Swedlund stated that he interpreted the language in the ordinance to mean that the Planning Commission decides whether or not to employ staff. Swedlund stated that in his opinion the Planning Commission would be acting in haste to approve a resolution in support of the current hiring practices.

**Swedlund made a substitute motion and Kooiker seconded to continue the discussion on Hiring Practices to the June 20, 2002 Planning Commission meeting.**

Scull advised that he will not support the motion to continue. Scull stated that in his opinion he does not feel that micro-managing the Planning Department with within the scope of the Planning Commission. Scull stated that the other department heads such as Public Works and Building Inspection hire their own people and that in his opinion the Planning Department is no different. Scull added that Elkins does a great job; puts in a tremendous amount of hours and has done a good job of hiring staff. Scull stated that the current hiring process works with input from the Planning Commission Chair and Vice-Chair and he plans to vote in favor of the resolution of support for the current hiring practices.

Kooiker stated that he does not want to see this matter delayed but expressed his concerns with not having adequate time to review the memorandum. He stated that in his opinion it does not make any sense to approve a resolution without having further discussion and clarification.

Swedlund stated that the Planning Commission has a unique role. He added that whatever hiring is done in other departments has virtually no bearing on the fact that the ordinance states that the Planning Commission employs. He further added that the Planning Commission can decide whether or not to employ by virtue of the fact that the ordinance is written in phrases such as may employ vs. shall employ. Swedlund stressed that the ordinance makes the Planning Commission a different entity with different responsibilities. Swedlund added that it is good that the Chair and Vice-Chair have input but it does not mitigate or remedy the fact that the Planning Commission is intended to have a larger role in hiring. He explained that the role of the Planning Commission can be fulfilled very easily by establishing a hiring committee. Swedlund stated that he was uncomfortable with not having time to read the referenced statutes and ordinances and does not know if Green is reading them right. Swedlund stated that the Planning Commission cannot responsibly move forward on this issue at this item.

Wall stated that he would like to see this matter resolved and concurs with Scull that the staff works very well to accomplish the goals set out by the Planning Commission. He added that he does not have any complaints about the current hiring procedures. Wall stated that he would like additional time to review the memorandum and he planned to support the motion to continue to the June 20, 2002 Planning Commission meeting.

Fast Wolf stated that she is confident with Green's interpretation of the memorandum and added that she would not support a continuance.

**Kooiker made a second substitute motion and Swedlund seconded to have a Special Planning Commission meeting on June 13, 2002 at 12:00 p.m.**

Wevik stated that he does not have an issue with the perceived tardiness of the City Attorney's memorandum. Wevik stated that in his opinion the City Attorney's Office answered the question that the Planning Commission requested at the May 29, 2002 Planning Commission meeting. Wevik stated that the original motion to approve a resolution in support of the existing hiring practices is very appropriate especially if the City Council is going to be reviewing this matter. Wevik added that the current hiring practices are good and they are working. He added that the Planning Commission did not need to form a hiring committee to micro-manage the Planning Department. Wevik stated that he does agree with Swedlund that the Planning Commission probably does have the ability and authority to become involved in the hiring process. He added that he does not believe that the Planning Commission should become involved in the hiring process. He also expressed his disappointment in the continuation of the discussion on this issue and strongly recommended that the Planning Commission approve a resolution in support of the current hiring practices.

**Hoffman called the question.**

**Calling the question carried. (8 to 2 with Stone, Scull, Wall, Hoffman, Prairie Chicken, Wevik, Fast Wolf and Mashek voting yes and with Kooiker and Swedlund voting no)**

**The vote on the second substitute motion to continue the discussion on Hiring Practices to the June 13, 2002 Special Planning Commission meeting failed. (2 to 8 with Kooiker and Swedlund voting yes and Stone, Scull, Wall, Hoffman, Prairie Chicken, Wevik, Fast Wolf, and Mashek voting yes)**

Wevik clarified that the first substitute motion was to continue the discussion on Hiring Practices to the June 20, 2002 Planning Commission meeting.

**Swedlund made a substitute motion to appoint a Hiring Committee.**

Swedlund discussed what he envisions the functions of the Hiring Committee to be and the objects to be furthered by hiring a particular individual. Swedlund stated that in his opinion important policy decisions are made by staff and depending on who that staff is, their background and the perspective they bring to the job is definitive of much of what happens here as a Planning Commission. Swedlund further explained that is why this ordinance contemplates that the Planning Commission employs staff. He also added that how the hiring committee is comprised would be the subject of further action. In conclusion, Swedlund stated that it would be a dereliction of duty for the Planning Commission not to take an active role in hiring practices.

**Kooiker seconded the substitute motion to appoint a Hiring Committee.**

Swedlund asked if appointing a Hiring Committee would be inconsistent with the ordinance. Green responded that in the opinion of the City Attorney's Office the Planning Commission has not been delegated specific authority to hire; the Planning Commission's role is permissive. Greens stated that even though it is in the ordinance that the Planning Commission may hire, the City Council has not delegated to the Planning Commission the function of hiring City staff. He added that the current practice of hiring Planning staff is performed by the Planning Director and that establishing a Hiring Committee would be inconsistent with current practices. He added that a Hiring Committee would make a recommendation to the Planning Commission and then the Planning Commission would make a recommendation to the City Council.

Wall stated that he appreciated all of the comments made today. He added that it has been determined that the Planning Commission is not in violation of any State law, City ordinance or Planning Commission Bylaws and that he believes that the current hiring practices are functioning properly.

Mashek stated that the Planning Commission already has an informal committee and she indicated that she is confident of staff and their decisions. She added that she will not support the motion to appoint a hiring committee.

Swedlund stated that in his opinion the legal opinion of the City Attorney's Office is patently erroneous. Swedlund stated that the City Attorney's opinion is no better than his. Swedlund added that he knows how to interpret statutes as well as the City Attorney and in this case better than the opinion presented to the Planning Commission. He added that in his legal opinion the current hiring procedures are in violation of statute and ordinance and he believes that the Planning Commission needs to look no further than the language in the ordinance itself. Swedlund discussed the permissive language. He stated that it does not modify whether or not the Planning Commission employs, it modifies the Planning Commission's choice as to whether there will be staff. He further explained that if the Planning Commission decides if there should be staff, then the Planning Commission should employ staff. Swedlund stated that is how the ordinance is written, plain and simple; if the Planning Commission chooses not to have staff and to do all the work themselves, they can do that. He stressed again that the ordinance says that it is the Planning Commission's choice as to whether or not to have staff as the City Council is not making it mandatory that the Planning Commission have staff. He concurred that the ordinance does delegate to the Planning Commission the employment decision and that is why this memorandum from the City Attorney's Office is wrong. Swedlund stated that the ordinance bestows those decisions to the Planning Commission and leaves it to the Planning Commission's discretion whether or not to have staff; that is what the may language means. Swedlund asked why the Planning Commission even has an informal committee and why not make it formal and a part of the process. He added that this is further proof of error in the process that the Planning Commission acknowledges that the role of a committee is advisable but tolerates one that is merely informal.

**Scull called the question.**

**The vote on the second substitute motion to recommend the appointment of a Hiring Committee failed. (2 to 8 with Swedlund and Kooiker voting no and Stone, Scull, Wall, Hoffman, Prairie Chicken, Wevik, Fast Wolf and Mashek voting no)**

**Wall called the question on the first substitute motion to continue discussion of Hiring Practices to the June 20, 2002 Planning Commission meeting.**

Swedlund stated that he had his light on prior to Wall calling the question.

Swedlund stated that the memorandum is just an opinion and in his opinion needs to have its merits more fully examined by other minds. Swedlund stated that he supports a continuance to the June 20, 2002 Planning Commission meeting.

**There being no object to calling the question, the vote on the motion to continue the discussion of Hiring Practices to the June 20, 2002 Planning Commission meeting failed. 2 to 8 with Kooiker and Swedlund voting yes and Stone, Scull, Wall, Hoffman, Prairie Chicken, Wevik, Fast Wolf and Mashek voting no)**

**Hoffman called the question on the original motion to approve a resolution in support of the current hiring practices for the Planning Department.**

Swedlund stated that he had his light on prior to Hoffman calling the question. Swedlund asked what is the point of passing a resolution if the Planning Commission is not changing anything.

Wevik stated that with the information that has been presented today, the City Council may wish to review this matter. He added that the Planning Commission is giving the City Council a recommendation and direction just like any other issue that comes before the Planning Commission.

Swedlund stated that in his opinion it is inappropriate to pass a resolution now on a hypothetical question of debate that has not even taken place yet. He added that if the Planning Commission is not going to change anything, then do not do anything at all.

**The vote on the original motion to approve a resolution in support of the current hiring practices for the Planning Department carried. (8 to 2 with Stone, Scull, Wall, Hoffman, Prairie Chicken, Wevik, Fast Wolf and Mashek voting yes and Kooiker and Swedlund voting no)**

58. Discussion Items

A. Proposed Changes to Shopping Center Ordinance

**Wall moved, Stone seconded and carried unanimously to continue the discussion on the proposed changes to the Shopping Center Ordinance to the June 20, 2002 Planning Commission meeting. (10**

to 0)

**There being no further business, Wall moved, Mashek seconded and carried unanimously to adjourn the meeting at 9:55 a.m.**