



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 3, 2002

MEMBERS PRESENT: Ida Marie Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Paul Swedlund, Jeff Stone, and Bob Wall

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Bill Knight, Dave LaFrance, and Risë Ficken

Vice-Chairperson Wall called the meeting to order at 7:01 a.m.

Wall welcomed newly appointed Planning Commissioner Ethan Schmidt to his first meeting. He advised that Planning Commission members Ida Fast Wolf, Mel Prairie Chicken and Stuart Wevik had been re-appointed to the Planning Commission.

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

Staff requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration. Schmidt requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration.

Stone moved, Hoffmann seconded, and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 12 in accordance with the staff recommendations with the exception of Items 9 and 10. (8 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 20, 2002 Planning Commission Meeting Minutes.
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 August 8, 2002 Planning Commission meeting at the applicant's request.
3. No. 02CA036 - R&L Subdivision
Comprehensive Plan Amendment - **Summary of Adoption Action** - 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.

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

4. No. 02PL006 - Springbrook Acres Addition

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 26, 2002 Planning Commission meeting at the applicant's request.

5. No. 02PL032 - Huffman Subdivision

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to have further discussions with the adjacent landowner.

6. 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 on Ireland Place at Corral Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to complete the required subdivision improvements in accordance with the approved engineering plans.



7. 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 July 25, 2002 Planning Commission meeting to allow the applicant to provide additional required information.

8. No. 02PL061 - Rimrock Ranch Subdivision

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

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, the location of existing and/or proposed well(s) within 150 feet of the existing and/or proposed on-site wastewater systems shall be submitted for review and approval;
2. Prior to City Council approval of the Preliminary Plat, road construction plans for the 40 foot wide access easement and the common access easement shall be submitted for review and approval;
3. Prior to City Council approval of the Final Plat, the 40 foot wide access easement and the common access easement shall be constructed in compliance with Section 16.20.040 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to City Council approval of the Final Plat, the plat shall be revised to show a drainfield easement for the existing drainfield located on proposed Lot 2B;

Fire Department Recommendations:

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



Urban Planning Division Recommendations:

7. 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;
8. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
9. 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. 02SR010 - Boulevard Addition**

A request by Michael Pelly for The Rapid City Area Character Counts Coalition to consider an application for an **11-6-19 SDCL Review for Six Pillars of Character Pavilion Proposal** on all of Blocks 1 and 2, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Halley Park.

Planning Commission recommended that the 11-6-19 SDCL Review for Six Pillars of Character Pavilion Proposal be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to consider alternative locations.

12. **No. 02VR003 - Riverside Addition**

A request by John Johnson for First Western Bank Sturgis to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 16; Lots 21-28; Lots A, B, C, D, E, and F of Block 4, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of Omaha Street and West Boulevard.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the July 25, 2002 Planning Commission meeting to allow the affected utility companies to provide comments regarding the proposed vacation.

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

9. **No. 02PL062 - Estes Subdivision**

A request by D.C. Scott Co. Land Surveyors for Thomas Estes to consider an application for a **Layout Plat** on Lot 2 Revised, Lot 3 Revised, Lot 6, Lot 7 and Lot 8 of Estes Subdivision, and dedicated Neck Yoke Road right-of-way located in the W1/2 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2, Lot 3, and that portion of the SW1/4 SW14/ lying north of the county road, and the unplatted portion of Estes Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 2.3 miles south of Reptile Gardens on Neck Yoke Road.

Fisher advised that the applicant has requested that this Layout Plat be withdrawn.



Stone moved, Hoffmann seconded and unanimously carried to acknowledge the withdrawal of the Layout Plat application at the applicant's request. (8 to 0)

10. No. 02PL063 - Autumn Hills Subdivision

A request by James Heald, Registered Land Surveyor for Robert & Rosemary Christol, Philip and Carolie Zacher, Mark and Shannon Ballard and the Autumn Hills Homeowner's Association to consider an application for a **Preliminary and Final Plat** on Lots 10R, 11R, and 17R of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10, 11, and 17 and Outlot M of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Winterset Drive and south of Stoney Creek Court.

Schmidt advised that he had met with and discussed the proposed subdivision with applicant Philip Zacher on the site.

Phil Zacher, co-applicant, questioned the condition in the Staff Report requiring designation of the property as a utility easement when there are no utilities located in the easement. He reviewed the location of the existing utilities, explained that fencing cannot be located in an easement and he advised that he has no objection to retaining an eight foot utility easement.

Seaman explained that staff is unable to determine what portion of Outlot M must be designated as a utility easement without reviewing a utility site plan. She added that if the applicant provides a utility site plan identifying that no utilities are located in Outlot M then the condition could possibly be stricken.

Swedlund moved and Hoffmann seconded to recommend that the Preliminary and Final Plat be continued to the July 25, 2002 Planning Commission meeting to allow the applicant to submit a utility site plan.

Rosemary Christol, co-applicant, expressed concern that children from the adjacent new development are beginning to damage lawn and shrubs on their property. She advised that they would like to incorporate Outlot M into the three lots and then fence them to prevent further damage.

Elkin explained that in order for the utility easement to be removed from the plat a utility site plan must be provided to staff as soon as possible.

Schmidt indicated that the applicants have additional concerns regarding the two associated applications.

The motion unanimously carried to recommend that the Preliminary and Final Plat be continued to the July 25, 2002 Planning Commission meeting to allow the applicant to submit a utility site plan. (8 to 0)

Wall reviewed the Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Hearing Consent



Agenda for individual consideration.

Staff requested that Item 23 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 18 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Items 13 and 19 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Stone seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 13 through 24 in accordance with the staff recommendations with the exception of Items 13, 16, 18, 19 and 23. (8 to 0)

---HEARING ITEMS CONSENT CALENDAR---

****14. 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 at 222 Cambell Street.

Planning Commission recommended that the Final Planned Commercial Development be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.

****15. 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 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 July 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

****17. No. 02PD028 - Donhiser Addition/Harter Subdivision**

A request by Craig Stump for Sheridan Lake Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** to add a fence, sign and relocate a sign on Lot A Revised of Donhiser Addition; Lot B and the vacated Clower Lane of Donhiser Addition; and, Lot 1 of Lot J of Harter Addition all located in the NE1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 740 Sheridan Lake Road.



Planning Commission recommended that the Major Amendment to a Planned Commercial Development to relocate a sign be denied and that the request to add a fence and a sign be approved with the following stipulations:

Building Inspection Division Recommendations:

1. **A building permit must be obtained for the fence prior to construction;**
2. **A sign permit must be obtained for the wall sign prior to construction;**

Urban Planning Division Recommendations:

3. **Before a building permit is issued, an exception to the Fence Height requirements for a six foot fence in a front yard must be obtained;**
4. **Before a building permit is issued, the temporary sign currently located on the premise shall be removed; and,**
5. **All fire codes, parking requirements and previous conditions of the original and amended Planned Commercial Developments must 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.

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

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

Planning Commission recommended that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the September 26, 2002 Planning Commission meeting at the applicant's request.

21. **No. 02SV028 - Rimrock Ranch Subdivision**

A request by Fisk Land Surveying & Consulting Eng. for Thomas Lee to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, paving, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer and water along West SD Highway 44 as per Chapter 16.16 of the Municipal Code and a Variance to the Subdivision Regulations to allow lots twice as long as they are wide as per Chapter 16.12 of the Municipal Code** on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 6905 West Highway



44.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as wide be approved and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S. D. Highway 44 be approved with the condition that the applicant sign an agreement to consent to a future assessment project for the improvements and that the Variance to the Subdivision Regulations to waive the requirement for paving the access easement(s) be denied.

22. No. 02SV029 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.12 of the Municipal Code** on Lots 5R of Block 2 of Park Meadows Subdivision located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Smith Avenue and East Oakland Street.

Planning Commission recommended that the Variance to the Subdivision Regulations Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

**24. 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.

Planning Commission recommended that the Conditional Use Permit to allow a car wash in the General Commercial Zoning District be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

---END OF HEARING CONSENT CALENDAR---

Swedlund requested that items 13 and 19 be considered concurrently.

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

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan** by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development on a previously unplatted portion of the NE1/4 of the NW1/4 and the NW1/4 of the NW1/4 of Section 26, Township 1 North, Range 7 East, Black Hills Meridian, City of Rapid City, County of Pennington, South Dakota. Being more particularly described as follows: Beginning at the Northeast corner of



Lot A as shown on the plat filed in Book 23 of plats Page 157, said point of beginning being monumented with a rebar with cap marked LS 6117; thence South 89°48'07" West a distance of 331.50 feet along the North line of said lot A to a rebar with cap marked Davis & Atkins Assoc. 3095, Said rebar being identical to the Northeast corner of the Tucker Street R.O.W. as shown on the plat filed in Book 23 of plats Page 157; thence South 89°58'52" West a distance of 266.92 feet along the North R.O.W. of Tucker Street to a point; thence North 07°23'21" East a distance of 668.56 to a point on the line between Sections 23 and 26; thence North 89°59'50" East a distance of 675.88 feet along the line between Sections 23 and 26 to a point identical to the intersection of said section line with the current commercial zoning line; thence South 13°52'22" West a distance of 681.69 feet along the current commercial zoning line to the point of beginning; more generally described as being located east of Highway 16 and 1/4 mile north of Catron Blvd.

19. 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.

Swedlund requested clarification concerning why the applicant had withdrawn these applications. Elkins explained that the applicant had brought forward a proposal based on a pending sale that did not proceed. Swedlund requested clarification concerning whether the sale of property fell through as a result of land use restrictions. Elkins indicated that staff has not been party to visiting with the prospective buyer; however, she noted it was her understanding from the applicant that the medium density residential designation would have supported the anticipated development.

Swedlund expressed disappointment that the opportunity to designate the property to a less intensive land use was withdrawn. Elkins concurred.

Stone moved, Hoffmann seconded and carried unanimously to recommend that the Amendment to the Comprehensive Plan by revising the South



Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development be denied without prejudice at the applicant's request; and to recommend that the Rezoning from General Commercial District to Medium Density Residential District be denied without prejudice at the applicant's request. (8 to 0)

****16. No. 02PD026 - Rapid City Regional Hospital**

A request by Vernon Osterloo for Rapid City Regional Hospital to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Tract AR-1 & North 30 feet of vacated 3rd Street adjacent to said lot, Tract AR-5, and Tract B, located in Regional Hospital Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Unit #1 (Tract AR-2 & Common Area as of Master Deed), Unit #3 (Tract AR-3, AR-4 & AR-8 & Common Area of Master Deed), and Unit #2 (Tract AR-9 & Common Area of Master Deed), all located in Health System Condominium, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 353 Fairmont Boulevard and 2908 Fifth Street.

Robert Tolman, 3215 Wisconsin Avenue, stated that he feels Rapid City Regional Hospital should not be allowed to expand any of their operations until they have addressed concerns he has with the Lifelight helicopter flight paths. Elkins explained that as far as Staff is aware the hospital is complying with all requirements of the approved Conditional Use Permit. Tolman stated that while the Rapid City Regional Hospital is in compliance with the Conditional Use Permit he feels the Lifelight helicopter should not fly over residential areas due to safety concerns.

Wall suggested that Tolman document times and weather conditions when he believes the Lifelight helicopter is operating inappropriately and present his findings to Rapid City Regional Hospital. Tolman stated that the Rapid City Regional Hospital has not been responsive to his concerns and requested that this application be denied.

Stone moved, Hoffmann seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the July 25, 2002 Planning Commission meeting to allow the applicant time to submit a landscaping plan. (8 to 0)

****18. No. 02PD029 - Autumn Hills Subdivision**

A request by James Heald, Registered Land Surveyor for Robert and Rosemary Christol, Philip and Carolie Zacher, Mark and Shannon Ballard and the Autumn Hills Homeowner's Association to consider an application for a **Major Amendment to a Planned Residential Development** on the NW1/4 NW1/4 and the N1/2 SW1/4 NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Winterset Drive and south of Stoney Creek Court.

Schmidt stated that he feels this item should be continued to the July 25, 2002 Planning Commission meeting to be considered in conjunction with the associated Plat request.



Seaman concurred.

Schmidt moved, Mashek seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to the July 25, 2002 Planning Commission meeting to be considered in conjunction with the associated Plat request. (8 to 0)

23. No. 02SV030 - Autumn Hills Subdivision

A request by James Heald, Registered Land Surveyor for Robert & Rosemary Christol, Philip and Carolie Zacher, Mark and Shannon Ballard and the Autumn Hills Homeowner's Association to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk on Stoney Creek Court and Winterset Drive as regulated by Section 16.16 of the Subdivision Regulations** on Lots 10R, 11R, and 17R of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10, 11, and 17 and Outlot M of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Winterset Drive and south of Stoney Creek Court.

Rosemary Christol objected to staff's recommendation for a sidewalk along her property. She noted that there are currently no sidewalks in the existing Autumn Hills Subdivision. She expressed concern that the cost to remove and replace the landscaping, sprinkler system and installation of the new sidewalk would be prohibitive. Christol offered to provide an alternative concrete slab along a portion of her property that could be used for a sidewalk. She discussed the potential tax benefits to the City of Rapid City she feels will result from replatting Outlot M into her property.

Elkins explained that Autumn Hills was developed without sidewalks. She advised that when the development to the south of Autumn Hills was proposed, Autumn Hills residents appeared before the Planning Commission expressing safety concerns for children walking to school from the development on the street. Elkins advised that staff reviews the continuity of sidewalks when reviewing plat applications. She indicated that because there are existing sidewalks adjacent to and south of this lot, staff feels a sidewalk on this lot is appropriate.

Robert Crystal objected to the requirement for installation of a sidewalk on his property. Elkins clarified that the Engineering staff has indicated that the sidewalk must be installed in the right of way adjacent to their property and not within their property boundaries.

Zacher indicated that when he purchased his property the Autumn Hills Homeowners Association told them that the Outlot M easement would not be used by the Association and told him he could use that property. He noted that he now has shrubs and part of a garden located within the easement. He added that the Association offered the property to the applicants at no charge if they paid for the platting procedures. He expressed concern that he was not aware they would have to construct a sidewalk on any of the newly platted properties.



Swedlund stated that he does not feel a sidewalk should be required for only one lot in the Autumn Hills development noting that he believes the Autumn Hills sidewalk issue should be addressed comprehensively at another time.

Swedlund moved and Mashek seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on Stoney Creek Court where proposed Lots 11R and 17R abut the Stoney Creek right of way and that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk where proposed Lot 10R abuts Winterset Drive be approved.

Schmidt spoke in support of the motion noting that there is a walking path throughout this subdivision and that the property owners thought their development was exempt from any requirement to install sidewalks.

In response to a question from Hoffman, Seaman indicated that Lots 8 and 9 are developed.

The motion unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on Stoney Creek Court where proposed Lots 11R and 17R abut the Stoney Creek right of way and that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk where proposed Lot 10R abuts Winterset Drive be approved. (8 to 0)

Wall advised that Sam Kooiker had submitted a letter of resignation from the Planning Commission as he had recently been elected to serve on the City Council. Wall expressed the Planning Commission's gratitude to Mr. Kooiker for sharing his time and talents through his service on the Planning Commission.

Swedlund indicated that he would like to reconsider Item 24.

Swedlund moved, Hoffman seconded and unanimously carried to reconsider the Hearing Consent Agenda. (8 to 0)

Swedlund requested that Item 24 be removed from the Hearing Consent Agenda for separate consideration.

Stone moved, Schmidt seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 13 through 24 in accordance with the staff recommendations with the exception of Items 13, 16, 18, 19, 23 and 24. (8 to 0)

****24. 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.



Swedlund expressed concern that no elevations were provided with this request. Seaman explained that elevation views are required as part of this application noting that staff has recommended that this item be continued so that the applicant can submit elevations.

Swedlund moved, Mashek seconded and unanimously carried to recommend that the Conditional Use Permit to allow a car wash in the General Commercial Zoning District be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (8 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

25. 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.

Stone indicated that he would abstain from voting on this request.

Hoffmann moved, Mashek seconded and carried to recommend that the Preliminary Plat be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (7 to 0 with Stone abstaining)

26. No. 02CA037 - Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan** by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 46.796 acre parcel from Medium Density Residential to Mobile Home Park on that portion of the south 234 feet of the NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota lying more than the 550 feet from the south boundary of the Catron Boulevard right-of-way, and that portion of the SE1/4 SW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, lying more than 550 feet from the south boundary of the Catron Boulevard right-of-way, more generally described as being located south of Catron Boulevard and approximately 3/4 mile west of proposed 5th Street extension.

Bulman advised that the applicant has requested that this be continued to the July 25, 2002 Planning Commission meeting noting that there are people present that may want to speak to this issue.

Patricia Hahn, South Hill Subdivision resident, stated that she has appeared on many occasions to protest this development. She expressed concern that it is unclear how sewer would be handled for a mobile home park this size. She noted that this developer continues to resubmit the same request repeatedly even though it has been



denied repeatedly. She asked that the Planning Commission deny this request.

Swedlund moved and Hoffmann seconded to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 46.796 acre parcel from Medium Density Residential to Mobile Home Park be denied.

Kent Hagg, South Hill Subdivision resident, advised that he was appearing to speak on behalf of himself and several other residents living in South Hill Subdivision. He requested that the applicant's request to continue this application be denied and that the Planning Commission deny the requested Comprehensive Plan Amendment. He reminded the Planning Commission of the meeting at Grandview School in December, 2001 noting that the public turned out in force asking that this request be denied.

Lawrence Kostaneski, Engineer for applicant, requested that this item be continued so that a presentation could be made at the July 25, 2002 Planning Commission meeting.

Patty Lynch, Enchanted Hills resident, advised that her husband has appeared at many meetings opposing the applicant's request for a mobile home park at this location. She indicated that she and her husband had built their home in Enchanted Hills under the assumption that the proposed South Robbinsdale Future Land Use Plan would be followed. She noted that the tax base for mobile homes is not as great as the tax base for stick built homes. She expressed concern that the South Robbinsdale Plan has been repeatedly amended since its adoption. She expressed further concern that Comprehensive Plan Amendments do not require notification of all neighborhood property owners. Lynch stated that she feels the Planning Commission needs to give more consideration to what Rapid City will look like in 10 to 20 years. She asked that the Planning Commission deny this request.

Regina Jahr, 925 Enchantment Road, asked that the Planning Commission deny this request noting that there is a wonderful opportunity to make this an inviting area.

Mashek asked the applicant why they are requesting a two week continuance. Kostaneski responded that they are not prepared to make their presentation today. He requested that the Planning Commission continue this request so that they are permitted to make their presentation.

Schmidt stated that based on the testimony from the area property owners he supports the motion to deny the request.

Swedlund spoke in support of the motion noting that he attended the Grandview meeting. He stated that he feels the adopted plan is excessively commercial and expressed concern that planned development designations were removed. He expressed further concern that every time the plan is approved the property owner comes back and requests more changes. He indicated that this request has been denied before noting that there is not anything he can hear from the property owner that will change his opinion.

Prairie Chicken stated that he attended the meeting at Grandview, clearly understands that the neighborhood residents do not want a mobile home park in this area and will



vote to deny this application. He noted that he feels mobile home parks are a necessary and appropriate part of residential development. He stated that he would like to see some areas in the City designated as appropriate for mobile home parks as it is often an affordable housing alternative.

Hoffmann, concurred with Swedlund and encouraged the people that are speaking out against this request to have the same tenacity as the developer. He expressed his appreciation to the Planning staff for working to bring these items to closure. He stated that he strongly supports the motion to deny this request.

Swedlund requested that the record reflect that his vote to oppose this application is not an anti-mobile home vote.

Patricia Hahn stated that it is important that the public keep up with the developer on this issue noting that other cities have penalties or fees that are applied to people who continually resubmit applications that have been routinely denied. She added that our tax dollars are spent to review this same issue again and again. She stated that she would like to address this issue at City Council.

Elkins suggested that Ms. Hahn contact Planning staff and so that the issue may be placed on the agenda for discussion in front of the Planning Commission.

The motion unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 46.796 acre parcel from Medium Density Residential to Mobile Home Park be denied. (9 to 0)

Fisher requested that Items 27-29 be considered concurrently.

- **27. 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.
- 28. 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.
- 29. 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.

Fisher advised that the applicant has requested that these items be continued to the July 25, 2002 Planning Commission meeting to allow the submission of additional information.

Hoffmann moved and Schmidt seconded to recommend that the Planned Residential Development – Initial and Final Development Plan; the Preliminary and Final Plat; and the Variance to the Subdivision Regulations be continued to the July 25, 2002 Planning Commission meeting at the applicant's request.

Swedlund requested clarification concerning whether the Planning Commission should take any action on these requests prior to resolution of an ongoing lawsuit involving the subject property.

Jason Green, City Attorney, stated that the City is not a party to the pending lawsuit noting that the Planning Commission's actions are in reliance of the land records that currently exist.

Discussion followed concerning the ownership of the subject property and the possible disposition of the lawsuit involving the subject property.

Swedlund and Schmidt indicated that they would like copies of any pleadings concerning the lawsuit that the City Attorney's Office has received.

In response to a question from Wall, Fisher explained that the attached contract-for-deed identifies the applicant's prior commitment for construction of Flormann Street to City street standards.

Swedlund stated that he feels the Planning Commission should be concerned with the development of Skyline Drive as a matter of policy. He added that he feels the Planning Commission should be aware of all potential opportunities for the subject property that may be identified through the ongoing lawsuit.

Discussion followed concerning the possible effects of the forthcoming decision from the pending lawsuit concerning the subject property.

The motion unanimously carried to recommend that the Planned Residential Development – Initial and Final Development Plan; the Preliminary and Final Plat; and the Variance to the Subdivision Regulations be continued to the July 25, 2002 Planning Commission meeting at the applicant's request. (8 to 0)



30. 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 proposed future 5th Street.

Fisher presented the Layout Plat application noting that the proposal would subdivide a commercial property into 20 lots. She reviewed the slides and staff report noting the Staff recommends approval of the Layout Plat with stipulations.

Hoffmann requested clarification concerning how sanitary sewer will be addressed in the proposed development. LaFrance indicated that the Fifth Street extension plans show the potential for connectivity for water service to the development at some point noting that sewer extension would be based on nearby development east of this property.

Swedlund noted that the Office Commercial portion of the development does not have a planned development designation and he would like to see that a planned development designation be required. Elkins clarified that Subdivision Regulations are separate from the land use and zoning of the property noting that proper zoning must be in place prior to any development of the property as described in the Layout Plat. She added that at the time the applicant submits a rezoning request for the property the Planning Commission may review the Comprehensive Plan to help determine the appropriate designation for this property.

Swedlund emphasized that he would like to address the provision for a planned development for the Office Commercial property when the land use issues are under consideration by the Planning Commission.

In response to a question from Schmidt, Elkins stated that the purpose of the Layout Plat is to give the applicant an understanding of what the major issues are for the property prior to investing substantial resources in the engineering designs for the development of the property.

Discussion followed concerning revisions to the access to the General Commercial portion of the development as proposed by the applicant and the staff's recommendation for limited access to the development from Fifth Street and the suggested interior road network.

Swedlund indicated that he would like to review a revised drawing of the Layout Plat incorporating the revisions to the road network as recommended by staff.

Swedlund moved to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage**



easements as needed;

3. Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an interim on-site wastewater system is proposed, then all rules and regulations of South Dakota Title 74 and the South Dakota Department of Environment and Natural Resources On-site Wastewater Regulations shall be met. In addition, an Industrial Disposal Permit shall be obtained from the Environmental Protection Agency;
4. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If an interim on-site water system is proposed, then all rules and regulations of the South Dakota Department of Environment and Natural Resources shall be met;
5. Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along Fifth Street, except for the approved approach location(s) and along Catron Boulevard. In addition, a non-access easement shall be shown along the first 175 feet on the northern access road as it extends east from Fifth Street;
6. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In particular, the street design plans shall provide property line sidewalks instead of curb side sidewalks or a Special Exception to the Street Design Criteria Manual shall be obtained;
7. Upon submittal of the Preliminary Plat, the plat shall be revised to eliminate the southern access road that extends east to west through the property. In lieu of the proposed roadway, a shared approach shall be allowed to serve as access to the two adjacent lots;
8. Upon submittal of the Preliminary Plat, the in-bound curve return at the Fifth Street/northern access road intersection shall be adjusted to accommodate large vehicles as required by the Fifth Street Corridor Traffic Study;
9. Upon submittal of the Preliminary Plat, the plat shall be revised to provide the dedication of the entire right-of-way width for Fifth Street as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained to allow platting of half of the right-of-way;

Fire Department Recommendations:

10. 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. Any interim on-site water system shall provide necessary fire flows;

Emergency Services Communication Center Recommendation:

11. Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval;

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;

- 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.**

Planning Commission Recommendations:

- 14. Prior to approval of the Rezoning of any portion of the subject property from General Agriculture District to Office Commercial Zoning District, a Planned Development Designation shall be obtained for that portion of the property to be zoned Office Commercial Zoning District.**

The motion died due to the lack of a second.

Lawrence Kostaneski, agent for the applicant, commented that they intend to discuss drainage issues identified for the subject property at the time the City Council reviews this request. He advised that the petitioners met with City staff as directed by the Planning Commission in an effort to resolve outstanding issues. He requested that the Planning Commission decide several issues that were not resolved during the meeting with staff. Elkins advised that the revisions to the conditions of approval as proposed by the applicant were distributed to Planning Commissioners on the dais.

Kostaneski requested that Condition 5 be revised to state "Lazy P-6 shall comply with the City's adopted intersection and approach spacing criteria or obtain an exception to those requirements." Elkins explained that staff encourages the use of non-access on plats so that potential purchasers are aware of access limitations without having to come to the City to review the Street Design Criteria Manual in detail. Discussion followed concerning the proposed revision to Condition 5.

Wall expressed concern that the applicant is requesting the Planning Commission and staff to review and decide these detailed issues during the public meeting.

Swedlund stated that he would like more time to review the revisions as proposed by the applicant.

Swedlund moved and Schmidt seconded to recommend that the Layout Plat be continued to the July 25, 2002 Planning Commission meeting.

Hoffmann noted that it is difficult to give adequate review to proposed revisions to conditions submitted during or immediately prior to a meeting.

Fast Wolf left the meeting at this time.

Harold Bies noted that while there is a major drainage area running through this property it is not reflected on the Layout Plat.

Patrica Hahn expressed concern that this development would require temporary sewer and water and she stated that she does not feel this Layout Plat should be approved until City water and sewer are available in this area. Hahn expressed concern that the property owner would not develop the subject property in a responsible manner.



Discussion followed concerning the applicant's recent development of a storage facility outside Rapid City limits.

The motion unanimously carried to recommend that the Layout Plat be continued to the July 25, 2002 Planning Commission meeting. (7 to 0)

****31. No. 02UR018 - Marshall Heights Tract**

A request by Retsel Corporation for Ramada Inn to consider an application for a **Conditional Use Permit for an On-Sale-Liquor Establishment** on Lot 11R of Lot K-3, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1721 N. Lacrosse Street.

Bulman presented the request and reviewed the staff report noting that Staff recommends that the Conditional Use Permit application be continued to July 25, 2002 Planning Commission meeting to allow the applicant to submit the required parking information.

Discussion followed.

Stone moved, Hoffmann seconded and unanimously carried to recommend that the Conditional Use Permit for an On-Sale Liquor Establishment be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to provide staff with further information regarding parking. (7 to 0)

32. Discussion Items

None.

33. Staff Items

None.

34. Planning Commission Items

None.

35. Committee Reports

None.

There being no further business, Hoffmann moved, Stone seconded and carried unanimously to adjourn the meeting at 9:01 a.m. (7 to 0)