

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 25, 2002

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

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

Chairperson Wevik called the meeting to order at 7:01 a.m.

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

Staff requested that Items 2 and 14 be removed from the Non-Hearing Consent Agenda for separate consideration. Swedlund requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 15 be removed from the Non Hearing Consent Agenda for separate consideration.

Hoffman moved, Stone seconded, and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 16 in accordance with the staff recommendations with the exception of Items 2, 10 , 14, and 15. (9 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 3, 2002 Planning Commission Meeting Minutes.

3. No. 02PL026 - Knights Acres Subdivision

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

Planning Commission recommended that the Layout Plat be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to submit a revised Layout Plat.

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 August 8, 2002 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

5. 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 recommended that the Layout Plat be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.

6. No. 02PL032 - Huffman Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to have further discussion with the adjacent landowner.

7. No. 02PL045 - Moon Ridge Subdivision

A request by Doug Sperlich for 16 Plus, LLC to consider an application for a **Layout, Preliminary and Final Plat** on 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, 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 Preliminary and Final Plat be continued to the August 8, 2002 Planning Commission at the applicant's request.

8. 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 August 8, 2002 Planning Commission to allow the applicant time to submit additional required information.

9. 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 the on Ireland Place at Corral Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to complete the required subdivision improvements in accordance with the approved engineering plans.

11. No. 02PL056 - Devine Subdivision

A request by Renner & Sperlich for J&J Truck & Auto Body to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of Cambell Street and Philadelphia Street.

Planning Commission recommended that the Preliminary Plat be continued to the August 8, 2002 Planning Commission meeting to allow the applicant to submit additional information.



12. 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 Winter Set Drive and south of Stoney Creek Court.

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

Engineering Division Recommendations:

1. **Prior to City Council approval of the Final Plat; the plat shall be revised to include the note designating eight foot utility and minor drainage easements on the interior side of all lot lines.**

13. No. 02PL068 - Pine View Terrace

A request by Doug Sperlich for Kelly Construction to consider an application for a **Layout, Preliminary and Final Plat** on Lots A thru M of Lot 3, Pine View Terrace, located in the NW1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 of Pine View Terrace, located in the NW1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Park Drive and Wonderland Drive.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.

16. No. 02SR010 - Boulevard Addition

A request by Michael Pelly for The Rapid City Area Character Counts Coalition to consider an application for a **11-6-19 SDCL Review for Six Pillars of Character Pavilion Proposal** on 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 acknowledged the applicant's withdrawal of their request for an 11-6-19 SDCL Review for Six Pillars of Character Pavilion proposal.

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

2. 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.

Elkins advised that staff recommended that this item be removed from the Non-Hearing Consent Calendar to allow Jeff Stone to abstain from voting.

Wall moved, Hoffman seconded and carried to recommend that the Preliminary Plat be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to submit additional information. (8 to 0 with Stone abstaining)

10. 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 in the southeast corner of the intersection of 5th Street and North Street.

Swedlund briefly discussed the number of times that this item has been continued and that he would like the next staff report to reflect the applicant's plans and what type of materials are going to be utilized for the structure.

Swedlund moved, Stone seconded and carried unanimously to recommend that the Preliminary and Final Plat be continued to the August 8, 2002 Planning Commission meeting to allow the applicant to provide additional required information and staff time to review the revised plat and design plans. (9 to 0)

14. No. 02PL069 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Layout and Preliminary Plat** on Lots 2A, 2B, 3A, 3B, 4, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9, 10A, 1B, 11A, 11B, 12A, 12B, 13A, 13B, 14 thru 20 of Block 1; and Lots 8, 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 14B, 15 thru 18 of Block 2; and Lots 1 thru 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B of Block 5; and dedicated right-of-way of Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 thru 18 of Block 2; Lots 2 thru 20 of Block 1; and Lots 1 thru 13 of Block 5, Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Park Meadows Subdivision.

Fisher stated that staff requested that this item be removed from the Non-Hearing



Consent Calendar based on late comments received from the South Dakota Department of Transportation identifying that an access road to the site must be closed. She added that the closure of this access road will result in 195 lots having exclusive access from one point of entry. Fisher explained that the Street Design Criteria Manual states that no more than 40 dwelling units may have access from one exclusive road. She added that if the applicant is required to barricade Sydney Drive, then he is requesting a Special Exception to allow more than 40 dwelling units to be accessed from one street.

Fisher presented the Layout and Preliminary Plat, reviewed the slides and staff's recommendation.

Lengthy discussion followed concerning traffic safety issues generated by the proposed development, Sydney Street being utilized as an emergency ingress/egress access road, the reconstruction plans for East St. Joseph Street on-ramp, increasing the distance between the on-ramp and the access road to the proposed development, and construction of East Oakland Street to the south lot line of the subject property.

In response to a question by Swedlund, Elkins explained that the road closure and the area under consideration are on the City street system. She added that it would be within the discretion of the City Council to determine whether or not to grant the special exception and preclude access at that location. Elkins further explained that the South Dakota Department of Transportation has to provide access to their own frontage road that currently exists and their staff has been reviewing a number of options. Elkins added that South Dakota Department of Transportation is proposing to block off access behind the frontage road and have programmed this as a 2005 project.

Wall expressed concern with the number of trips generated from 195 new dwellings. Elkins advised that there would be approximately 11 to 12 trips per day for each single family residence and slightly less for townhouses.

Discussion followed concerning access onto Elm Avenue and E. St. Patrick Street and the local street network, delays and traffic safety issues.

Elkins explained that the developer has acted in good faith in developing this property. She added that the situation regarding access was not created by the developer; that over time the South Dakota Department of Transportation has changed their position concerning access.

Discussion followed concerning timelines. Elkins stated that the South Dakota Department of Transportation also supports granting the Special Exception.

In response to a question by Schmidt, Elkins advised that staff does not have any accident statistics for this area.

Willard Weber, WW Investment and Income Trust, owner of Lots 9 thru 12 that border Wilma Street on the north end, expressed his concern with the drainage issues and the need for retaining walls.



Nelson advised that drainage issues will be addressed as future phases are developed.

Johnson briefly reviewed the road construction plans, the revised drainage plan, and interim drainage plans for the run-off flows and inter-lot drainage. He added that the developer is not working in the area of Mr. Weber's property and added that there has not been an increase in runoff during the development of this phase. Johnson explained that as future phases are developed, staff will review the drainage flows for the north phase of the development.

Discussion followed concerning the unplatted balance and the developer extending Wilma Street to the north.

Swedlund moved and Stone seconded to recommend that the Layout and Preliminary Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
2. Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show the connection of Merlot Drive between Smith Avenue and East Oakland Drive;
3. Prior to City Council approval of the Preliminary Plat, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan shall account for drainage from Block 5 and address interim drainage plan for the run-off flows. In addition, the drainage plan shall identify flows from Block 2 to Smith Avenue and provide a plan for inter lot drainage from Block 7;
4. Upon any additional platting of the Park Meadows Subdivision, East Oakland Street shall be constructed to the south lot line of the subject property as identified in Phase Three of the previously approved Layout Plat;

Fire Department Recommendations:

5. The Uniform Fire Code shall be continually met;

South Dakota Department of Transportation Recommendation:

6. Upon City Council approval of the Final Plat, barricades shall be placed at the eastern most terminus of Sydney Drive as it abuts the subject property. Sydney Drive may only serve as an emergency ingress/egress access road;

Register of Deed's Office Recommendations:

7. Upon submittal of the Final Plat, the plat document shall be revised to eliminate "Phase II" from the plat title;

Urban Planning Division Recommendations:

8. If the Planning Commission concurs with the recommendation of the South Dakota Department of Transportation that Sydney Drive shall be



- barricaded, then a Special Exception is hereby granted to allow more than 40 dwelling units to be accessed from one street;
9. Prior to Final Plat approval by the City Council, that portion of Smith Avenue located in Phase One shall be renamed to Merlot Drive;
 10. 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;
 11. Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
 12. 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.

Mashek expressed concerns with the South Dakota Department of Transportation's project plan timeline and Stipulation #6. She added that in her opinion, three years was too long to place barricades at the eastern most terminus of Sydney Drive as it abuts the subject property.

In response to a question by Swedlund, Tony Marshall, President of Park Hill Development, advised that he does not want to wait to develop this property while the South Dakota Department of Transportation completes the realignment of the intersection. He added that after his discussion with staff from the City and the South Dakota Department of Transportation, he is willing to compromise and agree to the Special Exception to barricade Sydney Drive in order to proceed with the project.

Discussion followed concerning the development of Wilma Street to the south. Elkins advised that the South Dakota Department of Transportation would like to close the access point at Sydney Street and provide an access point further to the south so that there is a separation between the on-ramp and the intersection.

In response to a question by Wall, Marshall advised that if the market continues as it is now, Park Hill Development plans to aggressively pursue development of Phase 3, 4 and 5. He added that he anticipates Phase 3 to take approximately 16-18 months to complete and that all phases should be completed within 3 to 4 years.

Wevik expressed his concerns with barricading Sydney Street but added that in his opinion he foresees this as a temporary situation. He added that he does not believe that there will be only one access point forever as there are several viable options being reviewed. He added that he plans to support approval of the Layout and Preliminary Plat and the Special Exception.

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, all necessary



changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

2. Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show the connection of Merlot Drive between Smith Avenue and East Oakland Drive;
3. Prior to City Council approval of the Preliminary Plat, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan shall account for drainage from Block 5 and address interim drainage plan for the run-off flows. In addition, the drainage plan shall identify flows from Block 2 to Smith Avenue and provide a plan for inter lot drainage from Block 7;
4. Upon any additional platting of the Park Meadows Subdivision, East Oakland Street shall be constructed to the south lot line of the subject property as identified in Phase Three of the previously approved Layout Plat;

Fire Department Recommendations:

5. The Uniform Fire Code shall be continually met;

South Dakota Department of Transportation Recommendation:

6. Upon City Council approval of the Final Plat, barricades shall be placed at the eastern most terminus of Sydney Drive as it abuts the subject property. Sydney Drive may only serve as an emergency ingress/egress access road;

Register of Deed's Office Recommendations:

7. Upon submittal of the Final Plat, the plat document shall be revised to eliminate "Phase II" from the plat title;

Urban Planning Division Recommendations:

8. If the Planning Commission concurs with the recommendation of the South Dakota Department of Transportation that Sydney Drive shall be barricaded, then a Special Exception is hereby granted to allow more than 40 dwelling units to be accessed from one street;
9. Prior to Final Plat approval by the City Council, that portion of Smith Avenue located in Phase One shall be renamed to Merlot Drive;
10. 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;
11. Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
12. 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. (9 to 0)

15. **No. 02RD004 - Park Meadows Subdivision**

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Resolution renaming Smith Avenue to Merlot Drive** on the unplatted balance of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 7,



T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Park Meadows Subdivision.

Wall stated that he pulled this item for the Non-Hearing Consent Calendar to be heard conjunction with Item 14.

Wall moved, Hoffman seconded and carried unanimously to recommend that the Resolution renaming Smith Avenue to Merlot Drive be approved with the stipulation that the applicant shall replace all required street signs. (9 to 0)

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 29 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Items 30, 35, and 38 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 36 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Hoffman seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 17 through 40 in accordance with the staff recommendations with the exception of Items 29, 30, 35, 36 and 38. (9 to 0)

---HEARING ITEMS CONSENT CALENDAR---

17. No. 02CA039 - South Boulevard Addition

A request by Nathan A Barton for Century Medical Plaza, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a .41 acre parcel from Residential to Office Commercial** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 615 Flormann Street and 619 Flormann Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a .41 acre parcel from Residential to Office Commercial be denied without prejudice.

18. No. 02RZ034 - South Boulevard Addition

A request by Nathan A Barton for Century Medical Plaza, LLC to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 615 Flormann Street and 619 Flormann Street.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be continued to the August 22, 2002 Planning Commission meeting to allow the applicant to submit a Major Amendment to a Planned Commercial Development #00PD007 to



increase the boundaries incorporating the subject property into the Planned Commercial Development and submit a new Comprehensive Plan Amendment request.

****19. No. 02UR020 - South Boulevard Addition**

A request by Nathan A Barton for Century Medical Plaza, LLC to consider an application for a **Conditional Use Permit to allow a public parking area in the Medium Density Residential Zoning District** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 615 Flormann Street and 619 Flormann Street.

Planning Commission recommended that the Conditional Use Permit to allow a parking lot in the Medium Density Residential Zoning District be denied without prejudice at the applicant's request.

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. 02PD015 - SSJE Subdivision**

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

Planning Commission recommended that the Final Planned Commercial Development to allow the sale of new and used vehicles and a parking lot be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.

****21. 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 be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

****22. 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.

Planning Commission recommends that the Planned Commercial Development - Initial and Final Development Plan be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to submit a landscaping plan.

****23. 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.

Planning Commission recommended that the Major Amendment to a Planned Residential Development be approved.

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.

****24. No. 02PD030 - Adams Subdivision**

A request by Wyo-Leasing for Lost Cabin Constructors, Inc. to consider an application for a **Major Amendment to a Planned Light Industrial Development to allow expansion of the existing building** on Lot D of Lot 1 of Adams Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1055 East Chicago Street.

Planning Commission recommended that the Major Amendment to a Planned Light Industrial Development to allow expansion of the existing building be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to issuance of a building permit, the applicant shall submit a revised site plan identifying that the circulation areas and all existing and proposed loading areas within the storage area will be paved;**
- 2. Applicable Knollwood Drainage Basin Fees shall be paid upon issuance of a building permit;**



Fire Department Recommendations:

3. Prior to issuance of a Building Permit, the applicant shall provide information regarding storage heights, types of materials stored and accessibility to all points on the building for review and approval by the Fire Department;
4. All Uniform Fire Codes shall be continually met;
5. Prior to issuance of a Building Permit, the Fire Department shall have reviewed and approved plans to ensure that adequate emergency vehicle access and circulation is being provided to the existing building and proposed addition;

Building Inspection Division Recommendations:

6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

Air Quality Division Recommendations:

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

Urban Planning Division Recommendations:

8. That all of the stipulations of approval of the previously approved Planned Light Industrial Development, #00PD047 with the exception of condition #7 must be continually met; and,
9. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code 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.

****25. No. 02PD031 - Pine View Terrace**

A request by Doug Sperlich for Kelly Construction to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 3 of Pine View Terrace, located in the NW1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Park Drive and Wonderland Drive.

Planning Commission recommended that the Planned Residential Development - Initial and Final Development Plan be continued to the August 8, 2002 Planning Commission meeting to allow the applicant time to submit a revised site plan.

26 No. 02RZ035 - Pine View Terrace

A request by Doug Sperlich for Kelly Construction to consider an application for a **Rezoning from Public District to Low Density Residential District** on Lot 3 of Pine View Terrace, located in the NW1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Park



Drive and Wonderland Drive.

Planning Commission recommended that the Rezoning from Public District to Low Density Residential District be approved.

27. No. 02PD032 - Rushmore Mall Subdivision

A request by Rushmore Mall for SDG Macerich Properties to consider an application for a **Major Amendment to a Planned Commercial Development to allow parking lot events to be held each year in designated areas of the parking lot** on Lot 1 and Tract A 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 Major Amendment to a Planned Commercial Development to allow parking lot events to be held each year in designated areas of the parking lot 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 event 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 for each event;
8. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with an event and Chapter 15.28 of the Rapid City Municipal Code must be continually met;

Urban Planning Division Recommendations:

9. A major amendment to the Planned Commercial Development must be obtained for any event serving alcohol;
10. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met.

**28. No. 02PD033 - Ranch Subdivision

A request by David Einerwold for The Ranch Amusement Park to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A of Ranch Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6303 South Highway 16.



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

Engineering Division Recommendations:

1. Prior to issuance of a building permit for the existing parking lot, pavement section(s) shall be submitted for review and approval;
2. Upon issuance of a building permit, Drainage Basin fees shall be paid for any increase in impervious area(s) on the subject property;

Building Inspection Division Recommendations:

3. A building permit shall be obtained for the existing parking lot and for the proposed future structural development;
4. The Sign Code Regulations shall be continually met. In particular, air and/or gas filled signs shall not be allowed on the subject property as regulated by the Sign Code Regulations;

Air Quality Division Recommendation:

5. An Air Quality Permit shall be obtained for any disturbance of soil of one acre or more;

Urban Planning Division Recommendations:

6. Prior to issuance of a building permit for the parking lot, the site plan shall be revised to provide a minimum of seven (7) additional large trees along the east and north side of the parking lot;
7. The proposed structural expansion(s) shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development; and,
8. All permitted uses shall comply with those identified on the site plan which includes go-cart racing, bumper boats, kiddie bee ride(s), climbing wall(s), 18 hole miniature golf course, pool(s) and central admission and entertainment building. Additional uses similar in nature may be reviewed and approved as a minimal amendment by the Planning Director.

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.

31. **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 allow a lot twice as long as it is wide as per Chapter 16.12 of



the Municipal Code be continued to the August 8, 2002 Planning Commission meeting to be heard in conjunction with the associated Preliminary and Final Plat request.

32. No. 02SV032 - 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 the unplatted balance of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Park Meadows Subdivision.

Planning Commission recommended that the 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 be approved.

**33. 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 August 8, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

**34. 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.

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

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

37. No. 02VE005 - Wise's Addition

A request by Thurston Design Group, LLC to consider an application for a **Vacation of public access and utility easements** on Lot 3, Block 21, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at

120 East Adams Street and 202 East Adams Street.

Planning Commission concurred with the City Council's action and recommended approval of the Vacation of public access and utility easements as identified on the vacation exhibit.

39. No. 1101 - Munderloh Subdivision

A request by Larry Olson to consider an application for a **Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District** on Lot 2 of Lot 1, Block A, Munderloh Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4116 Canyon Lake Drive.

Planning Commission recommended that the Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District be approved.

40. No. 1185 - Munderloh Subdivision

A request by Larry Olson to consider an application for a **Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District** on Lot 2 of Lot 1, Block A, Munderloh Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4116 Canyon Lake Drive.

Planning Commission recommended that the Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District be approved.

---END OF HEARING CONSENT CALENDAR---

**29. No. 02PD034 - Fountain View

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

Fisher advised that several stipulations of approval have not been met and staff is recommending that this item be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to submit the additional required information.

Discussion followed concerning the building season and submittal of drainage and master sewer plan.

Stone moved, Mashek seconded and carried unanimously to recommend that the Planned Residential Development - Initial and Final Development Plan be continued to the August 22, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (9 to 0)

30. No. 02RZ033 - Original Town of Rapid City

A request by Bob Fuchs for Phatty McGees, Inc. to consider an application for a **Rezoning from General Commercial District to Central Business District** on the south 50 feet of Lots 28 thru 32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

In response to a question by Swedlund, Elkins advised that the City Council tabled the application for a Rezoning from General Commercial District to Central Business District during First Reading.

Swedlund requested that the Historic Preservation Commission have an opportunity to review the request should this item come back up again for consideration. Swedlund added that this particular building has been the recipient of Historic Preservation funding and is within the environs of other historic properties. Elkins explained that there is no formal process for review by the Historic Preservation Commission but would direct staff to place a note in the file to notify the Historic Preservation Commission of any future applications of the same nature.

Swedlund moved, Stone seconded and carried unanimously to recommend that the Planning Commission concur with the City Council's action to table the Rezoning Request from General Commercial District to Central Business District. (9 to 0)

**35. No. 02UR019 - Marshall Heights Tract

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow the construction of a billboard** on Lot 9 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 532 East Anamosa Street.

Elkins explained that the City is in the process of adopting new regulations relating to off-premise advertising which will become effective July 31, 2002.

Discussion followed concerning the moratorium and the stipulations of approval. Elkins explained that the applicant removed a 560 square foot stacked billboard and is proposing to replace it with a 378 square foot off-premise sign which does not comply with the new Sign Code. Elkins added that staff is recommending that the applicant be allowed to construct a 250 square foot off premise sign which would comply with the new Sign Code that becomes effective on July 31, 2002

Bulman presented the slides.

Discussion followed concerning potential legal action that may delay the implementation of the new Sign Code and Stipulation #5. Elkins suggested that the Planning Commission may wish to continue the Conditional Use Permit to the August 8, 2002 Planning Commission meeting until the new Sign Code become effective.



In response to a question by Hoffman, Elkins explained that Planning staff does review the request prior to Planning Commission consideration of the Conditional Use Permit but the Building Inspection Department inspects the sign after it is installed.

In response to a question by Swedlund, Green stated that the City does not intend to delay the effective date of the new Sign Code. He further explained that the Sign Code does contain a severability provision and that if any portion of the Sign Code is declared unconstitutional by a Court, only that portion that is unconstitutional is ineffective. Green added that a lawsuit has not been filed but the City Attorney's office anticipates one.

Discussion followed concerning size of the pole relative to the dimensions of the sign and sign elevations.

Swedlund moved, Stone seconded and carried unanimously to recommend that the Conditional Use Permit to allow the construction of a billboard be continued to the August 8, 2002 Planning Commission meeting. (9 to 0)

****36. No. 02UR021 - Original Town of Rapid City**

A request by Libby Usera for Rapid City Columbian Club to consider an application for a **Conditional Use Permit to allow for an On-Sale Liquor Establishment** on the north 70 feet of Lots 17 thru 27 and the S1/2 of vacated alley located north of and adjacent to Lot 17 thru 24 less part of Lot H1 in Lot 17; the west 5 feet of Lot 9, all of Lot 10 and the N1/2 of vacated alley located south of and adjacent to said lots; and, Lots 11 thru 16 and the N1/2 of vacated alley located south of and adjacent to said lots, all located in Block 126, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 5th Street.

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

Wall moved, Hoffman seconded and carried to recommend that the Planning Commission acknowledge the applicant's withdrawal of their request for a Conditional Use Permit to allow for an On-Sale Liquor Establishment. (8 to 0 with Schmidt abstaining)

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.

38. 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.



In response to a question by Swedlund, Elkins advised that this is a request for a Vacation of Right-of-Way and the applicant is not required to provide a site. She added that staff is recommending that the Vacation of Right-of-Way be continued to the August 8, 2002 Planning Commission meeting to allow all of the utility companies to respond.

Elkins explained that a Planned Development has been previously approved for this site. She added that due to the changes that the applicant is proposing, she anticipates that the applicant will be submitting a new Planned Development. She further explained at that time, issues related to submittal of a site plan, off-premise signs and circulation and utility issues relative to the vacation of right-of-way.

Discussion followed concerning a continuance or denying the request without prejudice.

Green explained that the Planning Commission could approve the Vacation of Right-of-Way contingent upon the submission or approval of the Planned Development prior to City Council action. He added that once City Council takes action there is no process for conditional approval of a Vacation of Right-of-Way.

Swedlund moved and seconded by Stone to continue the Vacation of Right-of-Way to the August 8, 2002 Planning Commission meeting

Hoffman stated that he concurs with Swedlund's concerns regarding off-premise signs.

Wevik stated that in his opinion he did not see any point in continuing the request when the existing plan does not require the vacation of right-of-way. He added that he would support denying the request without prejudice.

Wall concurred with Wevik.

Elkins advised that the applicant has acquired additional property since the previous Planned Development was approved and may incorporate the newly acquired property into one development. Elkins stated that it may be appropriate for the Planning Commission to deny the Vacation of Right-of-Way without prejudice and let the applicant know that the Planning Commission is interested in looking at the issues of the vacation but want to see a site plan that identifies and addresses the development issues relative to circulation and utilities that would replace the alley function.

Swedlund stated that he supports re-development of the property and was concerned with projecting a negative attitude to the applicant.

Swedlund amended his motion to continue the Vacation of Right-of-Way to the August 22, 2002 Planning Commission meeting. Stone concurred with the amended motion.

Elkins clarified that the issue is not the placement of a billboard on the site; the



issues are the circulation on the site and issues relative to providing utilities and how that would be integrated with the development of the site. She added that the issues regarding the billboard will be addressed during the Planned Development process and it is not appropriate relative to the Vacation of Right-of-Way.

Mashek made a substitution motion, Wall seconded and carried unanimously to recommend denial of the Vacation of Right-of-Way without prejudice. (9 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that the Items 41, 42 and 43 be considered concurrently.

****41. 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.

42. 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.

43. 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 staff is recommending that the Planned Residential Development, the Preliminary and Final Plat and the Variance to the Subdivision Regulations be continued to the August 8, 2002 Planning Commission meeting at the applicant's request.



Wall moved and Hoffman seconded to recommend that the Planned Residential Development, the Preliminary and Final Plat and the Variance to the Subdivision Regulations be continued to the August 8, 2002 Planning Commission meeting.

In response to a question by Swedlund, Fisher advised that she would update her staff report to include information regarding the proposed building materials.

Prairie Chicken left the meeting at 8:40 a.m.

Hoffman left the meeting at 8:44 a.m.

Discussion followed concerning the original Skyline Drive Plan, visual screening and pending litigation.

Prairie Chicken returned to the meeting at 8:45. a.m.

Swedlund stated that in his opinion the Planning Commission should not act on these requests during the pendency of litigation.

The motion carried unanimously to recommend that the Planned Residential Development, the Preliminary and Final Plat and the Variance to the Subdivision Regulations be continued to the August 8, 2002 Planning Commission meeting. (8 to 0)

Hoffman returned to the meeting at 8:48 a.m.

Fisher requested that items 44 and 45 be considered concurrently.

44. 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.

45. No. 02SE004 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual** on the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of proposed future 5th Street.

Fisher stated that the applicant has requested that Items 44 and 45 be continued to the August 22, 2002 Planning Commission meeting so that he can submit additional required information.

Mashek moved, Stone seconded and carried unanimously to recommend that the Layout Plat and the Special Exception to allow curbside sidewalks in lieu



of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual be continued to the August 22, 2002 Planning Commission meeting at the applicant's request. (9 to 0)

Bulman requested that Items 46 and 47 be considered concurrently.

46. No. 02TI004 - Section 15 and 16, T1N, R7E

A request by City of Rapid City to consider an application for a **Resolution Creating Tax Increment District No. 37** on the E1/2 of the NE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; That portion of the E1/2 of the SE1/4 of Section 16 lying north of the Corral Drive right-of-way less Lots 1, 2 and 3 of Corral Drive Subdivision and less Lot 1 of the SE1/4 of SE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; Tract 2 and Tract 4 of Pine View Terrace located in the W1/2 of the SE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; Lot 1 of Valley Tract, located in the W1/2 of the NW1/4 of Section 15, T1N, R7E, BHM, Pennington County, South Dakota; All of Arrowhead Hills Subdivision, Heidiway Lane and Heidiway Court, located in the W1/2 of the SW1/4 of Section 15, T1N, R7E, BHM, Pennington County, South Dakota; Lot H1 and H2 of Lot 1, Lot H1 of Lot 8, Lot H1 of Lot 9 and Lot H1 and DE1 of Lot 15 of Arrowhead Hills Subdivision, located in Section 15, T1N, R7E, BHM, Pennington County, South Dakota; The unplatted portion of the NW1/4 SW1/4 of Section 15 lying west of Heidiway Lane, T1N, R7E, BHM, Pennington County, South Dakota; and, That portion of Sheridan Lake Road right-of-way located in Sections 15 and 16, all located in T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located Nicklaus Drive to the north, Park Drive to the west, Corral Drive to the south and Sheridan Lake Road to the east.

47. No. 02TI006 - Section 15 and 16, T1N, R7E

A request by City of Rapid City to consider an application for a **Tax Increment District No. 37 - Project Plan** on the E1/2 of the NE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; That portion of the E1/2 of the SE1/4 of Section 16 lying north of the Corral Drive right-of-way less Lots 1, 2 and 3 of Corral Drive Subdivision and less Lot 1 of the SE1/4 of SE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; Tract 2 and Tract 4 of Pine View Terrace located in the W1/2 of the SE1/4 of Section 16, T1N, R7E, BHM, Pennington County, South Dakota; Lot 1 of Valley Tract, located in the W1/2 of the NW1/4 of Section 15, T1N, R7E, BHM, Pennington County, South Dakota; All of Arrowhead Hills Subdivision, Heidiway Lane and Heidiway Court, located in the W1/2 of the SW1/4 of Section 15, T1N, R7E, BHM, Pennington County, South Dakota; Lot H1 and H2 of Lot 1, Lot H1 of Lot 8, Lot H1 of Lot 9 and Lot H1 and DE1 of Lot 15 of Arrowhead Hills Subdivision, located in Section 15, T1N, R7E, BHM, Pennington County, South Dakota; The unplatted portion of the NW1/4 SW1/4 of Section 15 lying west of Heidiway Lane, T1N, R7E, BHM, Pennington County, South Dakota; and, That portion of Sheridan Lake Road right-of-way located in Sections 15 and 16, all located in T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located Nicklaus Drive to the north, Park Drive to the west, Corral Drive to the south and Sheridan Lake Road to the east.

Bulman presented the request, slides and staff's recommendation.

Discussion followed concerning creation of the district, the Tax Increment Finance Committee's vote and recommendation, the property owner to the south of Dunham's property, donating right-of-way, creation of a temporary road and costs, extending the life of Heidiway Lane, rural surface roads, existing issues concerning access, safety and development potential, and construction of Severson Street.

Wevik stated that in his opinion Severson Street met the criteria for creating a Tax Increment District by eliminating serious safety hazards to the public and that the developer is required to build a street to City standards across another person's property.

Discussion followed concerning the location and cost of constructing Severson Street, potential funding sources including the Infrastructure Development Partnership Fund, the signal at Corral Drive and Sheridan Lake Road, and safety issues on Heidiway Lane.

In response to a question by Mashek, Elkins stated that construction of Severson Street may extend the life of Heidiway Lane as there will not be as much traffic traveling on it as well as providing an alternative access for construction traffic. She noted that the project will also address safety concerns regarding turning movements on Heidiway Lane.

Mashek asked for an update on the status of the Preliminary and Final Plat which was approved by City Council and vetoed by Mayor Munson. Elkins advised that there was a hearing last Friday, July 19, 2002 to review the Mayor's veto authority as well as the City Council's action to reconsider the item which led to the ultimate veto by the Mayor. Elkins added that the Judge has asked for briefs to be filed by Friday, July 26, 2002 and he has indicated that he will be giving a preliminary decision in early August. She further explained that the construction of Severson Street is necessary and she encouraged the Planning Commission to address the issue of creating the Tax Increment District now.

Swedlund moved and Stone seconded to recommend that the Resolution Creating Tax Increment District No. 37 be approved with the following stipulations:

- 1. Prior to Council approval, a minimum access connection to Heidiway Lane for emergency and secondary access must be addressed;**
- 2. Prior to Council approval, right-of-way issues across the Letner property must be addressed; and,**

that Tax Increment District No. 37 - Project Plan be approved with the following stipulations:

- 1. Prior to Council approval, a minimum access connection to Heidiway Lane for emergency and secondary access must be addressed; and,**

2. **Prior to Council approval, right-of-way issues across the Letner property must be addressed.**

Hoffman made a friendly amendment to the motion to include stipulation #3 to the Resolution Creating Tax Increment District No. 37 and the Tax Increment District No. 37 - Project Plan:

3. **That no Tax Increment District expenses be incurred until such time as the development is proceeding.**

The motion maker and second concurred with the friendly amendment. The motion carried unanimously to recommend that the Resolution Creating Tax Increment District No. 37 be approved with the following stipulations:

1. **Prior to Council approval, a minimum access connection to Heidiway Lane for emergency and secondary access must be addressed;**
2. **Prior to Council approval, right-of-way issues across the Letner property must be addressed;**
3. **That no Tax Increment District expenses be incurred until such time as the development is proceeding; and,**

that Tax Increment District No. 37 - Project Plan be approved with the following stipulations:

1. **Prior to Council approval, a minimum access connection to Heidiway Lane for emergency and secondary access must be addressed;**
2. **Prior to Council approval, right-of-way issues across the Letner property must be addressed;**
3. **That no Tax Increment District expenses be incurred until such time as the development is proceeding. (9 to 0)**

48. Discussion Items

A. **Comprehensive Plan Amendment Notification Procedures and Fees**

Elkins stated that the letter from Ms. Hahn expresses her concerns with an applicant repeatedly submitting applications to amend a Comprehensive Plan for the same application. Elkins added that currently there are no fees associated with Comprehensive Plan Amendment applications. Elkins reviewed options that other communities utilize for Comprehensive Plan Amendments.

Discussion followed concerning the Comprehensive Plan Amendment process and procedures, fees, notification requirements, due process and



timeframes for re-application.

Hoffman moved, Stone seconded and carried unanimously to direct staff to prepare proposed language for Comprehensive Plan Amendments which identifies fees, timetables and notification requirements for review by the Planning Commission.(9 to 0)

49. Staff Items

A. Urban Planning Division - Year 2003 Budget Proposal

Elkins reviewed the Urban Planning Division Budget Proposal for 2003.

Discussion followed concerning the decrease in salaries, the City's new salary plan, and the increase in health care benefits.

Wall moved, Hoffman seconded and carried unanimously to approve the Urban Planning Division - Year 2003 Budget Proposal as presented. (9 to 0)

B. Committee Appointments

Elkins reviewed the committees that currently have vacancies. Elkins added that Items 1 thru 5 are appointed by the Mayor.

Discussion followed concerning the duties of the various committees and meeting dates.

1. Sign Code Board of Appeals - Dawn Mashek
2. Parks and Recreation Subcommittee - Ida Fast Wolf
3. Zoning Board of Adjustment - Jeff Stone
4. Infrastructure Development Partnership Fund Committee –
Ethan Schmidt and Jeff Hoffmann
5. Landscape Code Committee - Ethan Schmidt
6. American with Disabilities Act Compliance Committee
Jeff Stone, Mel Prairie Chicken and the New Planning Commissioner

50. Planning Commission Items

Swedlund requested that the Sprawl Committee be added to the Planning Commission Agenda under Committee Reports.

51. Committee Reports

None.

There being no further business, Prairie Chicken moved, Swedlund seconded and carried unanimously to adjourn the meeting at 9:45 a.m. (9 to 0)