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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 22, 2002

MEMBERS PRESENT: Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Paul Swedlund, Jeff Stone and Bob Wall. Also present was Sam Kooiker, City Council Representative.

STAFF PRESENT: Vicki Fisher, Jeff Marino, Lisa Seaman, Karen Bulman, Bill Knight, Randy Nelson, Dave LaFrance, Dave Johnson and Risë Ficken

Vice Chairperson Wall called the meeting to order at 7:22 a.m.

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.

Schmidt requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration. Staff requested that Item 3 be removed from the Non-Hearing Consent Agenda for separate consideration.

Stone moved, Hoffmann seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Items 1 and 3. (6 to 0 with Hoffmann, Prairie Chicken, Schmidt, Swedlund, Stone and Wall voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. No. 02AN006 - Section 25, T2N, R7E

A request by John Nooney for Rodney and Norman McKie/Williston Basin Interstate Pipeline to consider an application for a **Petition for Annexation** on Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a coporation with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to

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the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line, more generally described as being located north of US Interstate 90 and west of Haines Avenue.

Planning Commission recommended that the Petition for Annexation be approved.

4. No. 02AN008 - Sections 16, 21, 22, 23, 26, and 27, T2N, R7E

A request by City of Rapid City to consider an application for a **Resolution of Intent to Annex** on Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and dedicated right-of-way, Farrar Business Park, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of N1/2 SE1/4 lying north and east of the right-of-way line of Interstate Highway 90, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of SE1/4 SE1/4 lying north & east of highway right-of-way, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 of Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SW1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lots 1 thru 4 of Tract A of Lien Subdivision located in E1/2 of NE1/4 and in NE1/4 of SE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the NE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot X of Lot H-2 of SW1/4 less Lot H1 of Lot X of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot Y of Lot H-2 of SW1/4 less Lot H-1 of Lot Y of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot B of the NW1/4 SW1/4 and SW1/4 SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; W1/2 W1/2 NE1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; E1/2 SE1/4 SE1/4 SW1/4 SW1/4 and the SW1/4 SW1/4 SE1/4 SW1/4 and the W1/2 SE1/4 SW1/4 SE1/4 SW1/4 and the S1/2 NW1/4 SW1/4 SE1/4 SW1/4 and the SW1/4 NE1/4 SW1/4 SE1/4 SW1/4, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; E1/2 NE1/4; and the E1/2 W1/2 NE1/4; and the SE1/4; and the Unplatted Balance of SW1/4 lying north and east of Highway I-90 right-of-way and including a strip of land 80 feet in width adjacent and parallel to the southeast boundary of R & L Subdivision and also including a strip of land 100 in width adjacent and parallel to the northern boundary of Highway I-90 right-of-way, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; SW1/4 NW1/4 and the W1/2 SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4 NW1/4 and that part of the SW1/4 NW1/4 lying north of Interstate I-90 right-of-way, Section 26, T2N, R7E, BHM, Pennington County, South Dakota; NE1/4 NE1/4 and the NW1/4 NE1/4 and the SE1/4 NE1/4 and the NE1/4 NW1/4 and the NW1/4 NW1/4 lying north of Highway I-90 right-of-way, Section 27, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway lying north of Interstate 90 known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Southeast quarter of Section 21 and the Southwest quarter of Section 22 and including the 17 foot wide dedicated right-of-way adjacent to Lot 1R Revised of Summit Industrial Park located in the NW1/4 SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33

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feet either side of the north-south section line between the Northeast quarter of Section 21 and the Northwest quarter of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south line between the Southwest quarter of Section 15 and the Southeast quarter of Section 16, T2N, R7E, BHM, Pennington County, South Dakota; more generally described as being located north and east of US Interstate 90 and Deadwood Avenue within Sections 16, 21, 22, 23, 26, and 27.

Planning Commission recommended that the Resolution of Intent to Annex be approved.

5. 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 September 5, 2002 Planning Commission meeting to allow the applicant time to make revisions to the Layout Plat.

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 September 26, 2002 Planning Commission meeting to allow the applicant time to have further discussions with the adjacent property owner.

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 in the southeast corner

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of the intersection of 5th Street and North Street.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 5, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.

8. 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.

Planning Commission recommended that the Layout Plat be continued to the September 5, 2002 Planning Commission meeting at the applicant's request.

9. No. 02PL070 - Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 20 Block 8, and Lots 1 through 13 Block 9, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota; legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the future extension of Field View Drive west of the Dakota Ridge Subdivision.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to provide additional required information.

10. No. 02PL073 - Pleasant Hill Addition

A request by Fisk Land Surveying and Consulting Engineers for Wayne and Phyllis Krell to consider an application for a **Layout Plat** on Lot 3A and 3B of Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2021 Pacific Lane.

Planning Commission recommended that the Layout Plat be denied without prejudice at the applicant's request.

11. No. 02PL078 - Vaughn's Subdivision

A request by Davis Engineering, Inc. for Ralph and Kathleen Rice to consider an application for a **Preliminary and Final Plat** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue.

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Planning Commission recommended that the Preliminary and Final Plat be continued to the September 5, 2002 Planning Commission at the applicant's request.

12. No. 02PL079 - Wiege Addition

A request by Davis Engineering, Inc. for Donovan and Tina Tucker to consider an application for a **Layout Plat** on Lots A, B and C of Wiege Addition, all located in the NE1/4 of NW1/4 of NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, South Dakota; legally described as the unplatted portion of the NE1/4 of the NW1/4 of NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Enchanted Hills Subdivision.

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

Engineering Division Recommendations:

1. **Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval showing the extension of a water main to the proposed lot(s). In addition, the plat shall be revised to show utility easement(s) as needed;**
2. **Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, septic tank design(s) prepared by a Professional Engineer shall be submitted for review. The plat document shall also be revised to provide drainfield easement(s) on each lot;**
3. **Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that the proposed lot(s) shall be connected to City sewer within six months of the City sewer system being activated;**
4. **Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In particular, a hydraulic analysis showing drainage patterns shall be submitted for review and approval. In addition, drainage easement(s) shall be shown on the plat as needed;**
5. **Upon Preliminary Plat submittal, 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 for the two private access easements located south of the subject property. The design plans shall show the location of utilities, storm drainage, curb and gutter, sidewalks, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
6. **Upon Preliminary Plat submittal, the two private access easements shall be redesigned to provide cul-de-sac(s) at the end of each roadway or a Special Exception to the Street Design Criteria Manual shall be obtained;**
7. **Upon Preliminary Plat submittal, the plat shall be revised to show the**

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access easement located at the southeast corner of the subject property as “dedicated right-of-way” or a Special Exception to the Street Design Criteria Manual shall be obtained to allow an access easement to serve more than four lots. If a Special Exception is obtained, a new private access easement shall be obtained from the underlying property owners of the private access easement in order to allow an additional lot to take access from the easement. In addition, both private access easements shall be extinguished and new easements shall be obtained to allow for the construction of utilities within the private access easements;

8. Upon Preliminary Plat submittal, the Section Line Highway located along the north lot line shall be built to City design standards or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the Section Line Highway or the Section Line Highway shall be vacated;

Fire Department Recommendations:

9. Upon Preliminary Plat submittal, 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
10. Prior to Final Plat approval by the City Council, a wild fire mitigation plan shall be implemented;
11. All Uniform Fire Codes shall be continually met;

Urban Planning Division Recommendations:

12. Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation as identified by the South Robbinsdale Neighborhood Area Future Land Use Plan;
13. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide shall be obtained or the plat shall be revised to comply with the length to width requirement;
14. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
15. 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.

13. **No. 02PL080 - Grimm Addition**

A request by Davis Engineering, Inc. for Robert and Donald Grimm to consider an application for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHH, Rapid City, Pennington County, South Dakota; legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Highway 44 and east of Cambell Street at Creek Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 5, 2002 Planning Commission meeting to allow

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the applicant time to submit additional required information.

14. No. 02PL081 - Plum Creek Subdivision

A request by Centerline, Inc. for Double E LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 17 of Block 3; Lots 1 and 2 of Block 4; Lots 1 thru 3 of Block 5; Lots 1 thru 9 of Block 6; Tract 2; and Right-of-Way of Fieldstone Drive, Lacebark Lane, Honeysuckle Lane, and Wild Rose Drive, and temporary turnaround easement, Plum Creek Subdivision, located in the E1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; legally described as the unplatted portion of the E1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of South Valley Drive and Willowbend Road.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;**
2. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan and report shall be submitted for review and approval;**
3. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Fieldstone Drive and the first fifty feet on all corner lots;**

Fire Department Recommendation:

4. **The Uniform Fire Code shall be continually met;**

Emergency Services Communication Center Recommendation:

5. **Prior to Final Plat approval by the City Council, a revised road name for "Wild Rose Drive" shall be submitted for review and approval. In addition, the plat document shall be revised to show the revised road name;**

Urban Planning Division Recommendations:

6. **Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District II and an Initial and Final Residential Development Plan shall be approved for the property;**
7. **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,**
8. **Prior to Final Plat approval by the City Council, surety for all subdivision improvements shall be posted and the subdivision inspection fees shall be paid.**

15. No. 02PL082 - Ponderosa Ridge Estates

A request by Robert Looyenga to consider an application for a **Layout Plat** on Lots 37R and 35R, Ponderosa Ridge Estates, N1/2 of NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota; legally described as Lots 37 and 35,

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Ponderosa Ridge Estates, N1/2 of NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6560 Sun Ridge Road and 1107 Wildlife Road.

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

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, a site plan identifying the location of all structural improvements, topography and utility lines shall be submitted for review and approval;
2. 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 or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of the Preliminary Plat, construction plans for the section line highway located along the north lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
4. Upon submittal of the Preliminary Plat, the plat shall be revised to include the dedication of five feet of additional right of way along the Sun Ridge Road frontage;

Fire Department Recommendations:

5. Upon submittal of the Preliminary Plat, a wildland fire mitigation plan shall be submitted for review and approval;

Pennington County Planning Department Recommendations:

6. Upon submittal of the Preliminary Plat, soil profile information to verify two suitable areas for wastewater disposal systems on proposed Lot 37R and one set of percolation tests shall be submitted for review and approval;

Urban Planning Division Recommendations:

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

16. **No. 02PL083 - Neff Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Planning Commission recommended that the Preliminary and Final Plat be

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continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

17. 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.

Planning Commission recommended that 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 September 5, 2002 Planning Commission meeting at the applicant's request.

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

1. Approval of the August 8, 2002 Planning Commission Meeting Minutes.

Schmidt stated that there was extensive discussion on Item 33 at the August 8, 2002 Planning Commission meeting and he indicated that he would like to see more detail in the minutes. He asked if verbatim tapes of the meeting are available.

Fisher responded that the meetings are tape recorded and she noted this issue has been reviewed in detail by the Planning Commission at several training sessions. She suggested that this item be continued to the September 5, 2002 Planning Commission meeting so that the Planning Director could be present to address this issue.

Schmidt stated that he feels that the Planning Commission minutes should contain more detail.

Schmidt moved, Hoffmann seconded and carried to recommend that the August 8, 2002 Planning Commission minutes be approved (5 to 1 with Hoffman, Prairie Chicken, Schmidt, Stone and Wall voting yes and with Swedlund voting no)

3. No. 02AN007 - Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the previously unplatted portion of the NW1/4 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; described by metes and bounds as commencing at the 1/4 corner common to Sections 3 and 4, T1N, R8E, BHM. Said corner being marked by a rebar with survey cap marked LS 1771, thence South 52°31'58" East a distance of 1093.41 feet to the Point of Beginning; continuing from the Point of Beginning; thence South 00°12'42" West a distance of 662.60 feet; thence North 89°42'42" West a distance of 362.69 feet; thence North 00°05'41" East a distance of 314.08 feet; thence North 89°33'05" West a distance of 165.99 feet; thence North 00°13'30"

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East a distance of 347.44 feet; thence South 89°46'40" East a distance of 529.24 feet; returning to the Point of Beginning, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Seaman recommended that the Petition for Annexation be continued to the September 5, 2002 Planning Commission meeting to allow time for payment of the necessary reimbursement to the Rapid Valley Fire District.

Stone moved, Hoffmann seconded and unanimously carried to recommend that the Petition for Annexation be continued to the September 5, 2002 Planning Commission meeting. (6 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.

Swedlund requested that Items 20, 28 and 29 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 21 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 35 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Hoffman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 through 37 in accordance with the staff recommendations with the exception of Items 20, 21, 28, 29 and 35. (6 to 0 with Hoffman, Prairie Chicken, Schmidt, Swedlund, Stone and Wall voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

18. No. 02CA045 - Dakota Subdivision #1
A request by Ron Salway to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.143 acre parcel from Low Density Residential to General Commercial** on Lot 2 of Dakota Subdivision #1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 502 Crazy Horse Street.
- Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.143 acre parcel from Low Density Residential to General Commercial be continued to the September 5, 2002 Planning Commission meeting.**
19. No. 02RZ041 - Dakota Subdivision #1
A request by Ron Salway to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 2 of Dakota Subdivision #1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 502 Crazy Horse Street.

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Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be continued to the September 5, 2002 Planning Commission meeting to allow the applicant time to complete the required certified mailing.

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

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the September 5, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

****23. 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.

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

Engineering Division Recommendations:

- 1. Prior to the approval of the Final Development Plan by the Planning Commission, final construction plans for the extension of sanitary sewer, drainage improvements and road improvements for that portion of Harmony Heights Lane that abuts the subject property, extending to the east lot line of Tract A, Fountain View Subdivision, shall be submitted for review and approval;**
- 2. Prior to approval of the Final Development Plan by the Planning Commission, site grading, paving and drainage information and construction plans for the extension of private water system(s) and private sanitary sewer system(s) to serve Phase 5 and 6 shall be submitted for review and approval;**
- 3. Prior to approval of the Final Development Plan by the Planning Commission, a final hydraulic design summary for the proposed storm sewer shall be submitted for review and approval. In addition, drainage easements shall be provided as required;**
- 4. Prior to approval of the Final Development Plan by the Planning Commission, the red lined drawings shall be revised and returned for review and approval;**

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5. Prior to issuance of a Certificate of Occupancy all of the internal road(s) shall be completed to insure a second point of access to the development. In addition, that portion of Harmony Heights Lane located adjacent to the subject property shall be constructed;

Fire Department Recommendations:

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

Building Inspection Division Recommendation:

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

Urban Planning Division Recommendations:

10. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;
11. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
12. All lighting, excluding street lighting, shall be directed so as to reflect away from the adjacent residential development, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard;
13. A minimum of 658,600 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. A minimum of 204 parking spaces shall be provided with seven handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; and,
15. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

****24. No. 02PD039 - Plum Creek Subdivision**

A request by Centerline, Inc. for Double E LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the unplatted portion of the E1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east

of the intersection of South Valley Drive and Willowbend Road.

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

Engineering Division Recommendations:

1. Prior to Final Development Plan approval by the City Council, Preliminary and Final Plat #02PL081 shall be approved;
2. Prior to Final Development Plan approval by the City Council, a revised drainage plan shall be submitted for review and approval;

Fire Department Recommendations:

3. All Uniform Fire Codes must be continually met;

Air Quality Division Recommendation:

4. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

Building Inspection Division Recommendation:

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

Urban Planning Division Recommendations:

6. All provisions of the Low Density Residential II District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Development Plan or a subsequent Major Amendment;
7. A minimum 18 foot rear yard setback for all principal structures shall be provided along Lacebark Lane. A minimum 25 foot rear yard setback for all principle structures shall be maintained along Willowbend Road. In addition, a minimum 25 foot front yard setback shall be maintained throughout the proposed development. Any future proposed reductions to setback(s) shall require a Major Amendment;
8. Townhomes and/or single family residences shall be allowed along Lacebark Lane. Single family residences only shall be allowed along Willowbend Road
9. The proposed single family and townhome development shall conform to the design features submitted as a part of this Planned Residential Development;
10. A monument sign, displaying the name of the subdivision, shall be allowed on the property with the approval of a Minimal Amendment to be reviewed and approved by the Planning Director. The monument sign shall not exceed four feet by eight feet and shall not be back lit. Any alterations from the specified design features will require a Major Amendment to the Planned Residential Development;
11. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

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25. No. 02RZ043 - Plum Creek Subdivision

A request by Centerline, Inc. for Double E LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II District** on the unplatted portion of the E1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of South Valley Drive and Willowbend Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential II District be approved in conjunction with the Initial and Final Planned Residential Development.

**26. No. 02PD040 - Moonridge Subdivision

A request by Renner & Sperlich for 16 Plus, LLC to consider an application for a **Planned Development Designation** on a portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning; and, a portion of Tracts 1 and 2 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the Section Corner common to Sections 26, 27, 34, and 35 of T1N, R7E, BHM; thence, S89°53'10"W, along the Section Line common to Sections 27 and 34, a distance of 33.00 feet, to the northeasterly corner of Tract 2 of Pioneer Subdivision; thence, S00°00'00"E, along the westerly edge of the Statutory Section Line Right-of-Way, common with the westerly edge of the right-of-way of U.S. Highway 16A, and common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 109.69 feet; thence, S07°20'00"W, along the westerly edge of the right-of-way of U.S. Highway 16A, common with the easterly boundary of said Tract 2 of Pioneer Subdivision a distance of 302.86 feet; thence, S89°53'10"W, a distance of 428.80 feet, to the Point of Beginning; thence, first course: S07°53'52"W, a distance of 178.06 feet; thence, second course: S26°53'52"W, a distance of 1037.81 feet; thence, third course: N89°47'30"W, a distance of 28.75 feet; thence, fourth course: N00°12'56"E, a distance of 197.21 feet; thence, fifth course: N89°16'12"W, a distance of 300.00 feet, to the westerly boundary of said Tract 1 of Pioneer Subdivision; thence, sixth course: N00°12'25"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 899.14 feet; thence, seventh course: N89°53'10"E, a distance of 818.71 feet, to the Point of Beginning, more generally described as being located northwest of Moon Meadows Road and South Highway 16.

Planning Commission denied without prejudice the Planned Development Designation request at the applicant's request.

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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.

27. No. 02RZ045 - Moonridge Subdivision

A request by Renner & Sperlich for 16 Plus, LLC to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on a portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, more generally described as being located northwest of Moon Meadows Road and South Highway 16.

Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved.

30. 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 September 5, 2002 Planning Commission meeting to allow the applicant to submit a Major Amendment to 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.

31. No. 02RZ036 - Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Tract A of Parcel C of the MJK Subdivision located in the SE1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, more particularly described by metes and bounds as follows: Point of Beginning: the SW1/16th corner to said Section 18 which is identical to the NW corner of said Tract A and monumented with a Rebar and Cap marked LS2652; thence South 89°15'05" East a distance of 1319.67 feet along the

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North line of said Tract A to the Northeast corner of Tract A, monumented with a Rebar and Cap marked LS2652; thence South 00°01'37" East a distance of 413.06 feet along the East line of said Tract A to the Southeast corner of Tract A, monumented with a Rebar and Cap marked LS4225; thence South 89°59'15" West a distance of 259.94 feet along the Southern most line of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 13°33'04" East a distance of 143.09 feet along a line of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 74°11'47" West a distance of 66.11 feet along a line of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 89°15'28" West a distance of 1030.30 feet along a line of said Tract A to the Southwest corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 00°06'20" East a distance of 259.90 feet returning to the Point of Beginning, more generally described as being located along the future extension of Field View Drive west of the Dakota Ridge Subdivision.

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

32. No. 02RZ042 - Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the previously unplatted portion of the NW1/4 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; described by metes and bounds as commencing at the 1/4 corner common to Sections 3 and 4, T1N, R8E, BHM; thence South 29°16'15" East a distance of 1027.78 feet to the True Point of Beginning; continuing at the Point of Beginning; thence South 00°05'41" West a distance of 423.45 feet; thence South 89°42'42" East a distance of 362.69 feet; thence North 00°12'42" East a distance of 502.37 feet; thence South 84°02'11" West a distance of 299.00 feet; thence South 55°17'40" West a distance of 80.84 feet; to the Point of Beginning, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Annexation request.

33. No. 02SV036 - Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as regulated by Chapter 16.12 of the Municipal Code** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

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

34. No. 02SV033 - Pleasant Hill Addition

A request by Fisk Land Surveying and Consulting Engineers for Wayne and Phyllis Krell to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter and street lights as regulated by Section 16.16 of the Subdivision Regulations** on Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2021 Pacific Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter and street lights be denied without prejudice at the applicant's request.

36. No. 02SV037 - Ponderosa Ridge Estates

A request by Robert Looyenga to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, dry sewer, curb and gutter along Sun Ridge Road and Wildlife Road and to waive the requirement to install sidewalk, pavement street light conduit, dry sewer, and curb and gutter in the Section Line Right-of-Way as required by Section 16.16 of the Rapid City Municipal Code** on Lots 37R and 35R, Ponderosa Ridge Estates, Section 31, T2N, R7E, BHM, Pennington County, South Dakota; legally described as Lots 37 and 35, Ponderosa Ridge Estates, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6560 Sun Ridge Road and 1107 Wildlife Road.

Planning Commission recommended that the Subdivision Regulations to waive the requirement to install sidewalk, dry sewer, curb and gutter along Sun Ridge Road and Wildlife Road and to waive the requirement to install sidewalk, pavement street light conduit, dry sewer, and curb and gutter in the Section Line Right-of-Way be approved.

37. No. 02VR004 - SSJE Subdivision

A request by Willard Werth for Black Hills Auto to consider an application for a **Vacation of Right-of-Way** on the SW1/4 SW1/4 of Section 32, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°49'02" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" West, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING, more generally described as being located at 1221 Jess Street.

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Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to City Council approval of the Vacation of Right of Way, the applicant shall file with the Pennington County Register of Deeds a miscellaneous document extending the existing major drainage easement west to Lot AB of Lot H1; and,**

Urban Planning Division Recommendations:

2. **Prior to City Council approval of the Vacation of Right of Way, documentation from Black Hills Power shall be received indicating no objection to the vacation.**

---END OF HEARING CONSENT CALENDAR---

Swedlund requested that Items 20, 28 and 29 be considered concurrently.

20. **No. 00PD037 - Pioneer Subdivision**

A request by Centerline, Inc. for 16 Plus, LLC to consider an application for a **Revocation of a portion of a Planned Development Designation** on a portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, more generally described as being located approximately .6 miles south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side.

28. **No. 02RZ046 - Moonridge Subdivision**

A request by Renner & Sperlich for 16 Plus, LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning; and, a portion of Tracts 1 and 2 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34,

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T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the Section Corner common to Sections 26, 27, 34, and 35 of T1N, R7E, BHM; thence, S89°53'10"W, along the Section Line common to Sections 27 and 34, a distance of 33.00 feet, to the northeasterly corner of Tract 2 of Pioneer Subdivision; thence, S00°00'00"E, along the westerly edge of the Statutory Section Line Right-of-Way, common with the westerly edge of the right-of-way of U.S. Highway 16A, and common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 109.69 feet; thence, S07°20'00"W, along the westerly edge of the right-of-way of U.S. Highway 16A, common with the easterly boundary of said Tract 2 of Pioneer Subdivision a distance of 302.86 feet; thence, S89°53'10"W, a distance of 428.80 feet, to the Point of Beginning; thence, first course: S07°53'52"W, a distance of 178.06 feet; thence, second course: S26°53'52"W, a distance of 1037.81 feet; thence, third course: N89°47'30"W, a distance of 28.75 feet; thence, fourth course: N00°12'56"E, a distance of 197.21 feet; thence, fifth course: N89°16'12"W, a distance of 300.00 feet, to the westerly boundary of said Tract 1 of Pioneer Subdivision; thence, sixth course: N00°12'25"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 899.14 feet; thence, seventh course: N89°53'10"E, a distance of 818.71 feet, to the Point of Beginning, more generally described as being located northwest of Moon Meadows Road and South Highway 16.

29. No. 02RZ044 - Moonridge Subdivision

A request by Renner & Sperlich for 16 Plus, LLC to consider an application for a **Rezoning from No Use District to General Commercial District** on a portion of Tract 2 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as follows: commencing at the section corner common to Sections 26, 27, 34, and 35 of T1N, R7E, BHM; thence, S89°53'10"W, along the Section Line common to Sections 27 and 34, a distance of 33.00 feet, to the northeasterly corner of Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the westerly edge of the Statutory Section Line Right-of-Way, common with the westerly edge of the right-of-way of U.S. Highway 16A, and common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 109.69 feet; thence, second course: S07°20'00"W, along the westerly edge of the right-of-way of U.S. Highway 16A, common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 302.86 feet; thence, third course: S89°53'10"W, a distance of 1247.51 feet, to a point on the westerly boundary of Tract 2 of Pioneer Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2 of Pioneer Subdivision, a distance of 410.00 feet, to the northwesterly corner of said Tract 2 of Pioneer Subdivision; thence, fifth course: N89°52'53"W, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lots 4 and 5 of Godfrey Addition, a distance of 796.18 feet; thence, sixth course: N89°50'57"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lots 3 and 4 of Godfrey Addition, a distance of 466.13 feet, to the southeast corner of said Lot 3 of Godfrey Addition; thence, seventh course: S89°10'44"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, a distance of 22.45 feet, to the Point of Beginning, more

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generally described as being located northwest of Moon Meadows Road and South Highway 16.

Swedlund expressed concern regarding staff's recommendation for approval of the revocation of an existing Planned Development Designation.

Fisher briefly reviewed the applicant's various requests noting that the applicant intends to locate a church on Lot 1 which would require a Conditional Use Permit in the Medium Density Residential Zoning District.

Discussion followed concerning the applicant's request to deny without prejudice the two rezoning requests to General Commercial District.

Swedlund moved, Stone seconded and unanimously carried to recommend that the Revocation of a portion of an area designated as a Planned Development Designation (00PD037) be approved in conjunction with the Rezoning request from General Commercial District to Medium Density District (02RZ045);

to recommend that the Rezoning from Medium Density Residential District to General Commercial District (02RZ046) be denied without prejudice at the applicant's request; and,

to recommend that the Rezoning from No Use District to General Commercial District (02RZ044) be denied without prejudice at the applicant's request. (6 to 0 with Hoffman, Prairie Chicken, Schmidt, Swedlund, Stone and Wall voting yes and none voting no)

****21.** 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.

Schmidt requested clarification concerning the current use on the subject property and requested additional information concerning how the citizen comment regarding the drainage issues will be addressed.

Seaman explained that the property is currently undeveloped, reviewed the surrounding uses at Schmidt's request, and she noted that drainage issues must be addressed by the applicant prior to issuance of a building permit.

Swedlund requested clarification concerning the landscaping requirements for the subject property and he asked whether the neighboring property is in compliance with the Landscaping Code. Seaman indicated that the site plan has been revised to provide the required landscaping on the subject property.

Willard Werth, applicant, advised that the Black Hills Auto property was required to

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meet landscaping requirements at the time the property was developed.

Discussion followed concerning drainage issues, landscaping and previous litigation on a neighboring property.

Hoffmann moved, Schmidt seconded and unanimously carried to approve with following stipulations the Final Planned Commercial Development to allow the sale of new and used vehicles and a parking lot:

Engineering Division Recommendations:

1. Prior to Planning Commission approval of the Final Planned Commercial Development, the applicant shall submit a revised site plan eliminating the proposed paving within the "dedicated frontage roadway";
2. Prior to Planning Commission approval of the Final Planned Commercial Development, the applicant shall submit a revised site plan showing the location of the platted Major Drainage Easement;

Fire Department Recommendations:

3. Emergency vehicle access within the parking lot in compliance with the Street Design Criteria Manual and the Uniform Fire Code shall be continually maintained;

Air Quality Division Recommendations:

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

Building Inspection Division Recommendations:

5. All provisions of the Rapid City Sign Code shall be continually met;
6. A building permit shall be obtained prior to any construction including parking lot construction;

Urban Planning Division Recommendations:

7. Prior to Planning Commission approval of the Final Planned Commercial Development, the applicant shall submit a revised site plan showing the location of a landscaping island with a minimum of one tree and shrubs or groundcover within the parking lot and the installation of curbing or wheel guards where the parking area abuts a public or private sidewalk, public right of way or landscaped area;
8. Prior to Planning Commission approval of the Final Planned Commercial Development, the applicant shall submit a revised site plan showing the location of the proposed signage on the subject property;
9. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that the Planning Director deems insignificant and that complies with all requirements of the Sign Code; and,
10. The property shall be used as a new and used auto sales establishment and shall meet the minimum requirements established for new and used car sales as identified in the General Commercial Zoning District. If the property is not occupied by a new and used vehicle sales

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establishment, then the uses of the property shall be limited to those uses already approved for Lot 1 of Lot A and Lot 2 of Lot A as identified in Final Commercial Development Plan #98PD030 and Final Commercial Development Plan #99PD012. Any other use requires approval as a Major Amendment to the Planned Commercial Development. (6 to 0 with Hoffman, Prairie Chicken, Schmidt, Swedlund, Stone and Wall voting yes and none voting no)

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

35. No. 02SV035 - Vaughn's Subdivision

A request by Davis Engineering, Inc. for Ralph and Kathleen Rice to consider an application for a **Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue.

Ralph Rice, applicant, indicated that he originally submitted his plat request in July of 2001, resubmitted the request on June 24, 2002 and has since been advised that he has to annex into Rapid City limits as a condition of plat approval. He added that he does not want to annex his property and he expressed concern that he was not advised of the annexation requirement sooner as a result of staff error.

Fisher clarified that Mr. Rice's comments were directed to the associated plat request. She explained that the applicant's engineer has requested that this Subdivision Variance be denied without prejudice so that the application can be resubmitted without incurring additional fees. Fisher noted that the applicant will request an additional variance to the requirement for water in the next application.

Discussion followed concerning the legal notification requirement for Subdivision Variance requests.

Wall indicated that the applicant's plat request (No. 02PL078) was continued to the September 5, 2002 Planning Commission meeting as part of the non-hearing consent calendar.

Rice requested an opportunity to address his concerns regarding his plat request.

Schmidt moved, Swedlund seconded and unanimously carried to reconsider the Non-Hearing Consent Agenda. (6 to 0)

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Schmidt requested that Item 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, Hoffmann seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Items 1, 3 and 11. (6 to 0)

11. No. 02PL078 - Vaughn's Subdivision

A request by Davis Engineering, Inc. for Ralph and Kathleen Rice to consider an application for a **Preliminary and Final Plat** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue.

Rice advised that he is reconfiguring lot lines and he reiterated that he does not want his property to be annexed into Rapid City limits.

Fisher explained that the application submitted by Mr. Rice in 2001 was denied without prejudice at the applicant's request. She added that a new application was submitted by Mr. Rice on June 24, 2002 noting that during the period between applications property lying adjacent to the subject property was annexed into the Rapid City limits. She reviewed the City's policy requiring annexation when platting property adjacent to Rapid City limits.

Discussion followed concerning Mr. Rice's objections to annexation, including tax rates and livestock control issues.

Swedlund requested clarification concerning whether the applicant's request can be accommodated in some manner under City regulations without requiring that the property be annexed.

Swedlund moved and Hoffmann seconded to recommend that the Variance to the Subdivision Regulations (No. 02SV035) and the Preliminary and Final Plat request (No. 02PL078) be continued to the September 5, 2002 Planning Commission meeting to allow staff to work with the applicant concerning the requirement for annexation of the subject property.

Schmidt noted that the applicant would not have to annex into Rapid City limits if he withdrew the plat application.

Swedlund asked City Attorney Adam Altman to develop a solution to accommodate Mr. Rice. Schmidt requested that Altman review the impact of prior annexation of neighboring land on this plat request.

Swedlund moved and Hoffmann seconded to recommend that the Variance to the Subdivision Regulations (No. 02SV035) and the Preliminary and Final

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Plat request (No. 02PL078) be continued to the September 5, 2002 Planning Commission meeting to allow staff to work with the applicant concerning the requirement for annexation of the subject property. (6 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

38. 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 stated that he would abstain from voting on this request.

Hoffmann moved, Schmidt seconded and carried to recommend that the Preliminary Plat be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (5 to 0 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Paul Swedlund and Bob Wall voting yes and with Stone abstaining)

**39. 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.

Fisher advised that this item was continued from the August 5, 2002 Planning Commission meeting to allow staff and the applicant to meet and develop additional stipulations concerning landscaping, fencing and building material issues. She noted that staff recommends approval of the Final Development Plan with stipulations and she reviewed three additional conditions of approval.

In response to a question from Schmidt, Fisher clarified that decorative cast iron fencing would be allowed, but that chain link fencing would not be permitted.

Swedlund expressed concern that he was not present at meetings between staff and the applicant. He discussed his views on the development of Skyline Drive. He stated that the additional stipulations as written do not address his concerns. He objected to the use of maintenance free simulated wood siding with the exception of soffets and window moldings. He expressed concern regarding the use of vinyl fencing material. He stated that six foot fencing seems excessive and he noted that landscaping should be required and should not exceed 20 feet in height.

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Doug Sperlich, agent for applicant, stated that he attended the meeting with staff. He discussed fencing heights and cross sections, landscaping, and the predominate uses for maintenance free simulated wood siding.

Hoffmann complimented the applicant and staff for working together to address these issues.

Hoffmann moved and Stone seconded to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

Engineering Division Recommendations:

1. Prior to Initial Development Plan approval by the Planning Commission, Preliminary and Final Plat #02PL028 shall be approved;
2. Prior to Initial Development Plan approval by the Planning Commission, a revised water plan shall be submitted for review and approval. In particular, the water plan must provide looping with the southwest water zone. In addition, connection fees and agreements shall be executed for the proposed water line(s);
3. Prior to Initial Development Plan approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval;
4. Prior to Initial Development Plan approval by the Planning Commission, the site plan shall be revised to show the lowest floor elevation(s) of the proposed residences to insure sewer gravity flow;
5. Prior to Initial Development Plan approval by the Planning Commission, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan must provide road ditch design and calculations and address the design controls necessary for protecting Lots 1 thru 7 from drainage off of Skyline Drive;
6. Prior to Initial Development Plan approval by the Planning Commission, revisions to the geotechnical report shall be submitted for review and approval. In addition, revised grading and topographic data shall be submitted as necessary to insure slope stability for the proposed development;
7. Prior to Initial Development Plan approval by the Planning Commission, the existing utility line shall be shown on the site plan;
8. Prior to issuance of a building permit, geotechnical information, specific to the individual lot, shall be submitted for review and approval to insure soil stability on the site;

Fire Department Recommendation:

9. The Uniform Fire Code shall be continually met;
10. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
11. Prior to issuance of a building permit, all weather access road(s) shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;

Building Inspection Division Recommendation:

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

Air Quality Division Recommendation:

13. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

Urban Planning Division Recommendations:

14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Development Plan or a subsequent Major Amendment;
15. A minimum 15 foot front yard setback for all principal structures and a minimum 18 foot front yard setback for all garages shall be provided on Lots 1 thru 7. In addition, all structures shall be located within the building envelopes as identified on the site plan. Specifically, a minimum 60 foot rear yard setback shall be provided on Lots 2, 5, 6 and 7. A minimum 80 foot rear yard setback shall be provided on Lot 1. A minimum 70 foot rear yard setback shall be provided on Lot 3 and a minimum 90 foot rear yard setback shall be provided on Lot 4;
16. Prior to Initial Development Plan approval by the Planning Commission, the maximum building elevations on Lots 3 and 4 shall be lowered by 4.15 feet and 2.87 feet, respectively;
17. No aerial or antenna, including satellite dishes shall be maintained on the roof of any building or at any location so as to be visible to the neighboring property owners;
18. Other than street light(s) and residential lighting, no other lighting shall be allowed within the Planned Residential Development;
19. A four foot by eight foot ground sign, displaying the name of the subdivision, shall be allowed in the southeast corner of the interior road/Skyline Drive intersection. The sign shall be constructed of rock, wood, stone and/or brick and shall not be lighted;
20. No landscaping, other than groundcover, shall be allowed in the site distance triangle located in the northwest corner of the subject property adjacent to Skyline Drive;
21. The proposed single family residential structures and all accessory structures shall be constructed with a combination of wood, brick, stone, dry-vit, stucco, glass and/or maintenance free simulated wood siding. In addition, roofing material shall consist of asphalt shingles and/or concrete tiles. All of the material shall be earth tone in color. No structural elevation(s) shall exceed the adjacent pavement elevation(s) of Skyline Drive;
22. All fencing along Skyline Drive shall set back a minimum distance of 25 feet from the west lot line. In addition, the fence shall not exceed six feet in height in order to prevent any obstruction of views along Skyline Drive. All other fencing within the development shall comply with Chapter 15.40.020 of the Municipal Code. Acceptable fencing material(s) shall consist of cast iron, wood, brick and/or vinyl. All fencing material shall be earth tone in color. The finished side of the fence shall face Skyline Drive. No wire and/or chain link fencing shall be allowed;
23. Landscaping shall be allowed between the 25 foot fence setback and

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Skyline Drive. All landscaping, including but not limited to bushes, shrubs and/or trees, shall not exceed 20 feet in height at mature height. In addition, the landscaping shall not be planted in a row;

- 24. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

Schmidt requested clarification concerning the recommendation prohibiting the planting of landscaping in rows. Fisher noted that the condition was intended to prevent the creation of a tunnel effect with long rows of plant material and trees.

Swedlund discussed where he feels the use of maintenance free simulated wood siding would be appropriate in the development.

Swedlund made a substitute motion to approve the Planned Development-Final Development Plan with the stipulations as listed in the original motion with the following exception:

- 21. The proposed single family residential structures and all accessory structures shall be constructed with a combination of wood, brick, stone, dry-vit, stucco, glass and/or concrete simulated wood siding and maintenance free simulated wood siding in soffets and window frames. In addition, roofing material shall consist of asphalt shingles and/or concrete tiles. All of the material shall be earth tone in color. No structural elevation(s) shall exceed the adjacent pavement elevation(s) of Skyline Drive;**

The substitute motion died due to the lack of a second.

Swedlund made a substitute motion to approve the Planned Development-Final Development Plan with the stipulations as listed in the original motion with the following exception:

- 21. The proposed single family residential structures and all accessory structures shall be constructed with a combination of wood, brick, stone, dry-vit, stucco, and glass and/or ~~maintenance free simulated wood siding.~~ In addition, roofing material shall consist of asphalt shingles and/or concrete tiles. All of the material shall be earth tone in color. No structural elevation(s) shall exceed the adjacent pavement elevation(s) of Skyline Drive;**

Schmidt seconded the motion for the purposes of discussion.

Stone spoke against the motion.

Discussion followed regarding maintenance free siding.

Prairie Chicken called the question on the Substitute Motion. Hoffmann seconded the motion to call the question. The motion to call the question

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carried. (5 to 1 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall and Jeff Stone voting yes and with Swedlund voting no)

The substitute motion failed (1 to 5 with Swedlund voting yes and with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall and Jeff Stone voting no)

Hoffmann called the question on the original motion, Stone seconded the motion to call the question.

Swedlund called a point of order and requested clarification concerning the ability to debate calling the question. Wall researched Robert's Rules of Order and determined that there is no debate to calling the question.

Swedlund voiced opposition to calling the question prior to his being able to speak to the issue.

Wall indicated that the vote would proceed.

The motion to call the question carried. (5 to 1 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall and Jeff Stone voting yes and with Swedlund voting no)

Hoffmann moved and Stone seconded to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Initial Development Plan approval by the Planning Commission, Preliminary and Final Plat #02PL028 shall be approved;**
- 2. Prior to Initial Development Plan approval by the Planning Commission, a revised water plan shall be submitted for review and approval. In particular, the water plan must provide looping with the southwest water zone. In addition, connection fees and agreements shall be executed for the proposed water line(s);**
- 3. Prior to Initial Development Plan approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval;**
- 4. Prior to Initial Development Plan approval by the Planning Commission, the site plan shall be revised to show the lowest floor elevation(s) of the proposed residences to insure sewer gravity flow;**
- 5. Prior to Initial Development Plan approval by the Planning Commission, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan must provide road ditch design and calculations and address the design controls necessary for protecting Lots 1 thru 7 from drainage off of Skyline Drive;**
- 6. Prior to Initial Development Plan approval by the Planning Commission, revisions to the geotechnical report shall be submitted for review and approval. In addition, revised grading and topographic**

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data shall be submitted as necessary to insure slope stability for the proposed development;

7. Prior to Initial Development Plan approval by the Planning Commission, the existing utility line shall be shown on the site plan;
8. Prior to issuance of a building permit, geotechnical information, specific to the individual lot, shall be submitted for review and approval to insure soil stability on the site;

Fire Department Recommendation:

9. The Uniform Fire Code shall be continually met;
10. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
11. Prior to issuance of a building permit, all weather access road(s) shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;

Building Inspection Division Recommendation:

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

Air Quality Division Recommendation:

13. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

Urban Planning Division Recommendations:

14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Development Plan or a subsequent Major Amendment;
15. A minimum 15 foot front yard setback for all principal structures and a minimum 18 foot front yard setback for all garages shall be provided on Lots 1 thru 7. In addition, all structures shall be located within the building envelopes as identified on the site plan. Specifically, a minimum 60 foot rear yard setback shall be provided on Lots 2, 5, 6 and 7. A minimum 80 foot rear yard setback shall be provided on Lot 1. A minimum 70 foot rear yard setback shall be provided on Lot 3 and a minimum 90 foot rear yard setback shall be provided on Lot 4;
16. Prior to Initial Development Plan approval by the Planning Commission, the maximum building elevations on Lots 3 and 4 shall be lowered by 4.15 feet and 2.87 feet, respectively;
17. No aerial or antenna, including satellite dishes shall be maintained on the roof of any building or at any location so as to be visible to the neighboring property owners;
18. Other than street light(s) and residential lighting, no other lighting shall be allowed within the Planned Residential Development;
19. A four foot by eight foot ground sign, displaying the name of the subdivision, shall be allowed in the southeast corner of the interior road/Skyline Drive intersection. The sign shall be constructed of rock, wood, stone and/or brick and shall not be lighted;
20. No landscaping, other than groundcover, shall be allowed in the site distance triangle located in the northwest corner of the subject property adjacent to Skyline Drive;
21. The proposed single family residential structures and all accessory

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- structures shall be constructed with a combination of wood, brick, stone, dry-vit, stucco, glass and/or maintenance free simulated wood siding. In addition, roofing material shall consist of asphalt shingles and/or concrete tiles. All of the material shall be earth tone in color. No structural elevation(s) shall exceed the adjacent pavement elevation(s) of Skyline Drive;
22. All fencing along Skyline Drive shall set back a minimum distance of 25 feet from the west lot line. In addition, the fence shall not exceed six feet in height in order to prevent any obstruction of views along Skyline Drive. All other fencing within the development shall comply with Chapter 15.40.020 of the Municipal Code. Acceptable fencing material(s) shall consist of cast iron, wood, brick and/or vinyl. All fencing material shall be earth tone in color. The finished side of the fence shall face Skyline Drive. No wire and/or chain link fencing shall be allowed;
 23. Landscaping shall be allowed between the 25 foot fence setback and Skyline Drive. All landscaping, including but not limited to bushes, shrubs and/or trees, shall not exceed 20 feet in height at mature height. In addition, the landscaping shall not be planted in a row;
 24. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (5 to 1 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall and Jeff Stone voting yes and with Swedlund voting no)

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

- **40. 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.

Seaman advised that the applicant has requested that this item be continued to the September 5, 2002 Planning Commission meeting as the applicant's representative was not available to attend.

Hoffmann moved, Stone seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the

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September 5, 2002 Planning Commission meeting at the applicant's request. (6 to 0 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall, Paul Swedlund and Jeff Stone voting yes and with none voting no)

****41. No. 02PD041 - Original Town of Rapid City**

A request by Thurston Design Group for Working Against Violence, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to allow a group home and to reduce the parking requirement and allow a zero (0) foot side yard setback** on Lots 12-16, Block 115, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of Sixth Street and Quincy Street.

Bulman advised that staff recommends that the Major Amendment to a Planned Commercial Development be continued to September 5, 2002 Planning Commission meeting. She noted that the applicant requested an opportunity to address the Planning Commission concerning a reduction to the parking requirement for 25 spaces as identified by City Ordinance.

Fred Thurston, agent for applicant, advised that the central location of subject property provides needed accessibility for clients. He reviewed actual parking numbers generated by the organization's clients and staff historically and indicated that 19 parking spaces are adequate for the proposed use.

Schmidt requested clarification concerning whether the applicant gave consideration to staff increases when calculating parking for the facility and noted problems with on street parking in the area. In response to a question from Schmidt, Thurston indicated that one handicap parking space would be required on the site.

In response to a question from Hoffmann, Fisher stated that the subject property is located across the street from the Center Business District. Hoffmann noted that the Dahl Fine Arts Center was not required to provide any parking and he indicated that he has no objection to a reduction in the parking requirement for the proposed facility as identified by the applicant.

Discussion followed concerning a reduction in the size of the proposed structure, flexibility allowed through the use of the Planned Development procedure and methods used in the Municipal Code for determining parking requirements.

Swedlund noted the possibility for eliminating one access to provide two additional parking spaces. He indicated that he does not feel the broad assumptions applied to parking requirements for motels are appropriate in this case. He stated that he feels 19 or 21 parking spaces would be adequate for the facility.

Prairie Chicken spoke in support of allowing a reduction in the parking requirement noting the proximity of the Dahl Fine Arts Center and the need for a central location for the facility.

Schmidt moved, Hoffmann seconded and unanimously carried to continue the

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Major Amendment to a Planned Commercial Development to allow a group home and to reduce the parking requirement and allow a zero (0) foot side yard setback to the September 5, 2002 Planning Commission meeting to allow the applicant time to provide revised site plans. (6 to 0 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall, Paul Swedlund and Jeff Stone voting yes and with none voting no)

****42. 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.

Bulman advised that this request was continued from the previous Planning Commission meeting.

In response to questions from Swedlund, Doug Rumpca, Lamar Advertising, discussed the removal of an existing billboard on the subject property, the timing of the implementation of the new sign ordinance, changes to the billboard design, Federal safety standards for billboard maintenance platforms, and the potential for use of a bucket truck to change sign faces.

Swedlund moved and Schmidt seconded to approve the Conditional Use Permit to allow the construction of a billboard with the following stipulations:
Transportation Planning Division Recommendations:

1. **The sign may not obstruct sight triangles or encroach into the road right-of-way;**

City Attorney Recommendations:

2. **Sign credits cannot be used from the removal of the existing off-premise sign;**
3. **Before the issuance of a sign license for construction of the billboard, two sign credits must be surrendered;**
4. **The off-premise sign cannot be over 250 square feet in size;**

Urban Planning Division Recommendations:

5. **This Conditional Use Permit will be approved only after the moratorium has been removed and Ordinance #3813 is in effect;**
6. **The provisions of Chapter 15.28 of the Rapid City Municipal Code with the effective Ordinance #3813 must be continually met;**
7. **A sign license must be obtained yearly after the moratorium has been removed and Ordinance #3813 is in effect;**

Planning Commission Recommendations:

8. **The billboard design shall be back-to-back only; and,**
9. **The billboard shall not include front maintenance platforms.**

Rumpca indicated that the maintenance platforms are safety features and he noted that he does not believe the elimination of the maintenance platforms will improve the billboard aesthetics.

Discussion followed concerning the visual mass of v-shaped billboards as opposed

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to billboards positioned perpendicular to the road, the new sign code as a means to evaluate billboard design, the use of the Conditional Use Permit process to mitigate potential impacts from billboards, and the visual impact of metal maintenance platforms.

Schmidt expressed concern that the front maintenance platform is used as a safety feature and a mounting structure for lighting. He expressed concern that additional personnel would be needed to operate a bucket truck and could create additional safety concerns.

The motion failed to approve the Conditional Use Permit to allow the construction of a billboard with the following stipulations:
Transportation Planning Division Recommendations:

1. The sign may not obstruct sight triangles or encroach into the road right-of-way;

City Attorney Recommendations:

2. Sign credits cannot be used from the removal of the existing off-premise sign;
3. Before the issuance of a sign license for construction of the billboard, two sign credits must be surrendered;
4. The off-premise sign cannot be over 250 square feet in size;

Urban Planning Division Recommendations:

5. This Conditional Use Permit will be approved only after the moratorium has been removed and Ordinance #3813 is in effect;
6. The provisions of Chapter 15.28 of the Rapid City Municipal Code with the effective Ordinance #3813 must be continually met;
7. A sign license must be obtained yearly after the moratorium has been removed and Ordinance #3813 is in effect;

Planning Commission Recommendations:

8. The billboard design shall be back-to-back only; and,
9. The billboard shall not include front maintenance platforms.
(2 to 4 with Swedlund and Hoffmann voting yes and with Schmidt, Stone, Wall and Prairie Chicken voting no)

In response to a question from Swedlund, Rumpca stated that it is possible to design a billboard with collapsible ledgers and maintenance platforms.

Swedlund stated that he feels current billboard industry standard designs are unacceptable.

Swedlund moved and Hoffmann seconded to continue the Conditional Use Permit to allow the construction of a billboard to the September 5, 2002 Planning Commission meeting to allow the applicant to redesign the billboard structure.

Rumpca expressed concern that the proposed design change would be expensive and would not improve the aesthetics of the billboard. He added that he is not sure if the changes can be accomplished by September 5, 2002.

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The motion carried to continue the Conditional Use Permit to allow the construction of a billboard to the September 5, 2002 Planning Commission meeting to allow the applicant to redesign the billboard structure. (4 to 2 with Wall, Swedlund, Hoffmann, and Prairie Chicken voting yes and with Stone and Schmidt voting no)

Swedlund indicated that the intent of his motion is for the applicant to explore design alternatives to the billboard maintenance platforms.

43. Discussion Items

A. Addition of Definitions to Zoning Ordinance: abutting, adjacent, adjoining, and contiguous.

Fisher requested that this discussion item be continued to the September 5, 2002 Planning Commission meeting.

Schmidt moved, Prairie Chicken seconded and unanimously carried to continue the discussion on the addition of definitions to the Zoning Ordinance to the September 5, 2002 Planning Commission meeting. (6 to 0 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall, Paul Swedlund and Jeff Stone voting yes and with none voting no)

44. Staff Items

None.

45. Planning Commission Items

Swedlund expressed concern that Marcia Elkins was not present at this Planning Commission meeting and it was unclear to him who stands in her place in her absence. He stated that the Planner III position was formerly entitled as Assistant Planning Director and he is unaware of why that was changed.

In response to a question from Wall, Fisher stated that she is not the Assistant Planning Director, is a Planner III and has no supervisory duties.

Swedlund moved and Schmidt seconded to restore the title of Assistant Planning Director to the Planner III position.

Schmidt stated that he feels it is important at Planning Commission meetings and when dealing with staff that the Planner III position be referred to as Assistant Planning Director.

Hoffmann stated that this discussion should be held with the Planning Director and he would like to get her feedback before the Planning Commission makes any decision on this personnel issue.

Discussion followed concerning the responsibilities needed for the Assistant Planning Director position.

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Hoffmann made a substitute motion and Stone seconded and carried to continue the Assistant Planning Director discussion item to the September 5, 2002 Planning Commission meeting. (5 to 1 with Jeff Hoffmann, Mel Prairie Chicken, Ethan Schmidt, Bob Wall and Jeff Stone voting yes and with Swedlund voting no)

Swedlund indicated that Elkins had circulated an email to the Planning Commission at his request concerning the Kepp Heights staff discussion. He stated that he wanted to set aside time at the next Planning Commission meeting for an executive session to consider what he feels is a personnel item. He stated that the discussion would focus on the roles of Planning Commissioners vs staff and the policy making functions of each.

Wall stated that it might be more appropriate to address this item at a Planning Commission training session format as the Planning Commission meetings are currently taking the entire allotted time. Swedlund stated that he would like to be able to take official action during the consideration of this item. Wall indicated that a recommendation could be brought back to the Planning Commission.

Swedlund moved, Hoffmann seconded and carried to direct staff to schedule a Planning Commission training session. (6 to 0)

In response to a question from Swedlund, Fisher indicated that the Bradsky carwash Conditional Use Permit application was continued to a date beyond this Planning Commission meeting.

Wall noted that two gentlemen had been sitting in the audience for the entire meeting and he asked if they had issues to bring to the Planning Commission's attention.

Dale Randolph advised that he owns property on Sharp Lane and explained that there is an existing drainage problem that will be made worse by the development of the Neff Subdivision. Discussion followed concerning consideration of the Neff Subdivision items at the September 5, 2002 Planning Commission meeting.

Prairie Chicken asked if a new Planning Commissioner has been selected. Fisher indicated that the Mayor has not yet appointed a new Planning Commissioner.

There being no further business, Stone moved, Swedlund seconded and unanimously carried to adjourn the meeting at 9:55 a.m. (6 to 0 with Hoffman, Prairie Chicken, Schmidt, Swedlund, Stone and Wall voting yes and none voting no)