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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 5, 2002

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Paul Swedlund, Jeff Stone, Bob Wall, and Stuart Wevik. Also present was Martha Rodriguez, City Council Representative.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jeff Marino, Lisa Seaman, Tom Kurtenbach, Bill Knight Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green and Nadine Bauer

Chairperson Wevik called the meeting to order at 7:00 a.m.

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

Swedlund requested that Item 12 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 2 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, Hoffmann seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 16 in accordance with the staff recommendations with the exception of Items 2 and 12. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 22, 2002 Planning Commission Meeting Minutes.

3. No. 02AN009 - Schlottman Addition

A request by the City of Rapid City to consider an application for a **Petition for Annexation** on the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, & D of Tract A of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots E and F of Tract A, Schlottman Addition of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots G and H of Tract A, Schlottman Addition of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the 66 foot E. St. Andrew Street right-of-way lying north of Lot O Revised of Tract A of Schlottman Addition, the 66 foot E. St. Andrew Street right-of-way lying north of Lots P, Q, R, and T of Tract A of Schlottman Addition, the 66 foot E. St. Andrew Street right-of-way lying north of Lots 1 and 2 of Lot S of Tract A of Schlottman Addition, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington

Draft

County, South Dakota; and the east half of Sedivy Lane lying in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

Planning Commission recommended that the Petition for Annexation be approved.

4. No. 02AN010 - Section 9, T1N, R8E

A request by the City of Rapid City and the South Dakota Department of Transportation to consider an application for a **Petition for Annexation** on the Balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44 East and South Valley Drive.

Planning Commission recommended that the Petition for Annexation be continued to the September 26, 2002 Planning Commission meeting to obtain additional signatures on the Petition for Annexation.

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 approved with the followings stipulations:

Engineering Division Recommendations:

1. Prior to Layout Plat approval by the City Council, the Layout Plat shall be revised to provide a 52 foot wide frontage along Anderson Road and the width of the flagpole portion of Lot 6 shall be a minimum of 52 feet;
2. Prior to Layout Plat approval by the City Council, the Layout Plat shall be revised to include non-access easements along the entire Anderson Road frontage of proposed Lot 5R and along the south 85 feet of the Anderson Road frontage of proposed Lot 4R;
3. Upon submittal of the Preliminary Plat, the petitioner shall submit location information and other applicable data for any existing and proposed water and wastewater improvements;

Draft

4. Prior to Layout Plat approval by the City Council, the applicant shall provide documentation identifying the recording of the 66 foot wide access easement of record adjacent to Anderson Road extending 290.91 feet west along the south lot line of proposed Lot 6;
5. Upon submittal of the Preliminary Plat, the applicant shall either submit construction plans for the required subdivision improvements within the dedicated access easement or request a variance to the Subdivision Regulations waiving the construction of the required improvements or vacate the existing access easement as a part of the Final Plat of this property;
6. Upon submittal of the Preliminary Plat, construction plans for the required subdivision improvements as specified in Section 16.20.040 of the Rapid City Municipal Code within the Anderson Road right of way shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the required subdivision improvements;
7. Upon submittal of the Preliminary Plat, construction plans for the shared approach to proposed Lots 5R and 6 shall be submitted for review and approval;
8. Prior to Layout Plat approval by the City Council, the applicant shall provide a revised site plan showing the location of the existing well on proposed Lot 5R;
9. Prior to Layout Plat approval by the City Council, the applicant shall submit a revised topographic map;

Pennington County Planning Department:

10. Prior to approval of the Final Plat by the City Council, the applicant shall apply for and receive Pennington County Commission approval of the rezoning of the west portion of proposed Lot 4 Revised to Suburban Residential Zoning District;

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
12. 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.

6. **No. 02PL029 - Murphy Ranch Estates**

A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 26, 2002 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

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7. No. 02PL047 - Pine View Terrace

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

Planning Commission recommended that the Layout Plat be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

8. No. 02PL049 - Section 14, T1N, R8E

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

Staff recommends that the Layout Plat be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to provide required information.

9. No. 02PL051 - Original Town of Rapid City

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the October 10, 2002 Planning Commission meeting to allow the applicant to provide additional required information.

10. 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 26, 2002 Planning Commission meeting at the applicant's request.

Draft

11. No. 02PL056 - Devine Subdivision

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

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

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

14. No. 02PL084 - Forest Park Estates

A request by Fisk Land Surveying & Consulting Engineering for Allen Nelson to consider an application for a **Layout Plat** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the North 200 feet of the South 940 feet of the West 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, topographic information and a grading plan shall be submitted for review and approval;
2. Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of City water to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained;

Draft

3. Upon Preliminary Plat submittal, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In particular, the sewer plans shall show the extension of City sewer to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained. In addition, Lot 27 shall connect to the City sewer line or a Variance to the Subdivision Regulations shall be obtained;
4. Upon Preliminary Plat submittal, a site plan shall be submitted showing the location of structures, utilities and drainfield(s). In addition, the plat shall be revised to show drainfield easements for the existing drainfields;
5. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
6. 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 showing the location of utilities, storm drainage, curb, gutter and sidewalk improvements for Starlite Drive, Forest Park Circle;

Fire Department Recommendations:

7. 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;

Urban Planning Division Recommendations:

8. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
9. Prior to Preliminary Plat approval by the City Council, a Variance to the Zoning Ordinance shall be obtained to allow a lot to abut on a public street for a distance of less than twenty-five feet or the plat shall be revised to comply with the requirement;
10. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
11. 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 fee shall be paid.

15. **No. 02RD005 - Ponderosa Ridge Estates**

A request by Ron and Dana Beaumont to consider an application for a **Resolution renaming Echo Drive to Aztec Drive** on the Echo Drive right-of-way lying adjacent to Lots 1 thru 5 and Lot 8 of Ponderosa Ridge Estates, Section 31, T2N, R7E; and less Tract 0201, less Lot H1 of the NW1/4, less Lot H1 of NE1/4 and less Lot H1 of the SE1/4, Section 36, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being Echo Drive.

Planning Commission recommended that the Resolution renaming Echo Drive to Aztec Drive be approved.

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16. No. 02RD006 - Section 16, T1N, R7E

A request by City of Rapid City to consider an application for a **Resolution renaming Heidiway Lane to Heidiway Court** on that portion of Heidiway Lane located in the NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Heidiway Lane.

Planning Commission recommended that the Resolution renaming Heidiway Lane to Heidiway Court be approved.

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

2. 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" 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 the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Wall stated that there was a discrepancy between the staff report recommendation and the staff recommendation listed on the internet and intranet.

Elkins explained that the correct staff recommendation is to continue the Petition for Annexation to the September 26, 2002 Planning Commission meeting. She added that the staff recommendation listed on the internet and intranet has been corrected.

Wall moved, Schmidt seconded and unanimously carried to recommend that the Petition for Annexation be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to obtain the required signatures of all the landowners of the area south to be annexed. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

12. 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.

Draft

In response to a question by Swedlund, Fisher explained that the applicant requested that the Preliminary and Final Plat be continued to the October 10, 2002 Planning Commission meeting to allow the applicant time to discuss the annexation issue with the City Attorney's Office.

Schmidt moved, Hoffman seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the October 10, 2002 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

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

Staff requested that Item #30 be removed from the Hearing Consent Agenda for separate consideration. Fast Wolf requested that Item 23 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 25 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration.

Hoffman moved, Stone seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 17 through 30 in accordance with the staff recommendations with the exception of Items 17, 23, 25 and 30. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

****18. No. 02PD044 - South Boulevard Addition**

A request by Bryan Gonzalez for Century Medical Plaza, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to increase the boundaries** on Lot 2 Revised located in Blocks 14 and Block 15 and Lots 7 thru 11 of Block 17, all located in 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 that the Major Amendment to a Planned Commercial Development to increase the boundaries be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Upon submittal of a building permit, a complete grading and drainage plan shall be submitted for review and approval. In addition, Meade Hawthorn Drainage Basin Fees shall be paid prior to issuance of a building permit;**
- 2. Prior to Planning Commission approval, the site plan shall be revised to show the alignment of the proposed approach along the south side of**

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Flormann Street with the existing approach located on the north side of Flormann Street;

3. A striped pedestrian cross walk with proper signage shall be located across Flormann Street between the existing medical facility complex and the proposed parking lot as determined by the Engineering Division;

Fire Department Recommendations:

4. Prior to Planning Commission approval, the site plan shall be revised to eliminate the two most southern parking spaces located in the middle of the proposed parking lot in order to provide adequate circulation within the parking lot;

Building Inspection Recommendations:

5. A building permit shall be obtained prior to any construction;
6. A sign permit shall be obtained for any proposed signage;

Urban Planning Division Recommendations:

7. All previous conditions of approval of Commercial Development Plan #00PD007, with the exception of condition #17, and all conditions of approval of Major Amendment #00PD026 and #01PD064 shall be continually met;
8. A screening fence shall be constructed along the west, south and east lot line(s). In addition, the screening fence shall be constructed to a height of six (6) feet with the exception of the first twenty five feet extending into the property from Flormann Street. That portion of the fence shall be constructed to a height of four (4) feet. The fence shall be of the same wood opaque design and natural wood color as currently exists around the property located directly west of the subject property;
9. All lighting shall be located so as to prevent shining directly onto the adjacent residential development(s);
10. A two (2) foot X four (4) foot ground sign shall be allowed at the entrance of the proposed parking lot. The sign shall identify the use of the parking lot as "staff parking". In addition, the sign shall not be illuminated;
11. A minimum of 273 parking spaces shall be provided. Seven of the parking spaces shall be handicap accessible with one of the handicap spaces being van accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; and,
12. All landscaping shall be continually maintained in a live manner. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik 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.

19. No. 02RZ034 - South Boulevard Addition
A request by Nathan A Barton for Century Medical Plaza, LLC to consider an

Draft

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 approved in conjunction with the associated Planned Development Designation and the Comprehensive Plan Amendment.

20. No. 02OA014 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance to establish the public notification requirement for Subdivision Variances and Experimental Subdivisions** by amending Section 16.24.040 of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment changing the requirement from 150 feet excluding right-of-way to 250 feet including right-of-way for Subdivision Variances and Experimental Subdivisions be approved.

**21. No. 02PD025 - Original Town of Rapid City

A request by CSU Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 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 October 10, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

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

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

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the September 26, 2002 Planning Commission meeting at the applicant's request.

Draft

24. 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 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 be continued to the September 26, 2002 Planning Commission meeting at the applicant's request.

26. No. 02SR015 – Rapid City Greenway Tract

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow for the construction of structures and other park improvements** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Roosevelt Park.

Planning Commission approved the 11-6-19 SDCL Review to allow for the construction of structures and other park improvements with the following stipulations:

Engineering Division Recommendations:

1. Prior to any construction the applicant shall obtain a building permit;
2. An erosion/sediment control permit shall be submitted for review and approval prior to the issuance of a building permit;
3. Prior to issuance of a building permit the applicant shall obtain coverage under State General Permit for storm water runoff from the construction site;
4. All applicable provisions of Section 17.28 of the Rapid City Municipal Code shall be continually met;

Fire Department Recommendations:

5. All Uniform Fire Codes shall be continually met;
6. The Indoor Recreation Complex and the Ice Arena shall be sprinkled throughout;
8. The applicant must maintain sidewalks accessible to emergency vehicles at all times; and

Air Quality Division Recommendations:

7. An Air Quality permit shall be obtained prior to any surface disturbance.

27. No. 02SV016 – Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as

Draft

being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water be continued to the September 26, 2002 Planning Commission meeting to be heard in conjunction with the associated Preliminary and Final Plat request.

28. 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.

Planning Commission recommended that the 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 be continued to the October 10, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.

**29. No. 02UR008 – Section 20, T2N, R8E

A request by Davis Engineering for Gary & Shirley Wolff to consider an application for a **Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District** on the SW1/4 SW1/4 and the N8/10ths of W1/2 W1/2 of SE1/4 SW1/4, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 Seger Drive.

Planning Commission continued the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District to the October 10, 2002 Planning Commission meeting to allow the applicant to submit a revised site plan, to remove debris from the property and to remove structures from the Ellsworth Air Force Base water main easement.

---END OF HEARING CONSENT CALENDAR---

17. No. 02CA047 - South Boulevard Addition

A request by Bryan Gonzalez for Century Medical Plaza, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.41 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development** 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

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Flormann Street and 619 Flormann Street.

In response to a question from Schmidt regarding notification of adjacent property owners, Elkins explained that the notification of adjacent property owners is not required with Amendments to the Comprehensive Plan. She further explained that the applicant has also requested a Major Amendment to a Planned Commercial Development and a Rezoning from Medium Density Residential District to Office Commercial District and the adjacent property owners were sent a notification letter as required.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.41 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

****23. 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 at the southeast corner of Sixth Street and Quincy Street.

Fast Wolf stated that she requested that this item be removed from the Hearing Consent Agenda so that she could abstain from voting as she is employed by Working Against Violence, Inc.

Wall expressed concerns with parking and setback requirements. Thurston explained that there is a two car garage located to the southeast of the building and that he is allowed to count the garage as two parking spaces.

Discussion followed concerning allowing a zero (0) foot side yard setback in an Office Commercial Zoning District and potential future changes in the use of this property.

Discussion followed concerning the need for clarification of the terms abutting, adjacent, adjoining and contiguous. Elkins explained that Staff felt that the location of a group home with professional offices would be an appropriate use for this property and supports the reduction of the minimum off-street parking requirement and to allow a zero (0) foot side yard setback.

Wall moved, Stone seconded and unanimously carried to approve the 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 with the following stipulations:

Building Inspection Division Recommendations:

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1. That the applicant obtain a Building Permit prior to any construction and a Certificate of Occupancy prior to occupancy;

Engineering Division Recommendations:

2. That a full site plan be submitted for approval prior to obtaining a building permit;

Urban Planning Division Recommendations:

3. That 19 Off-Street Parking spaces be provided as determined by the Planning Commission;
4. That all requirements of the Landscaping Ordinance and Off-street Parking Ordinance shall be continually met;
5. That all other conditions of the original Planned Commercial Development (#01PD001) be continually met; and,
6. That approval of this Major Amendment shall expire if the use is not undertaken and completed within two years of the date of approval by Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with 1 abstaining with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no and Fast Wolf abstaining)

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

25. **No. 02SR014 - Robbinsdale Addition No. 10**

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow for the construction of structures and other park improvements** on Lot 2 Block 11 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Parkview Park.

In response to a question by Wall regarding lighting, Elkins advised that Rod Johnson, Public Works Department, has been working with the consultant regarding the construction plans.

Wall moved, Schmidt seconded and unanimously carried to continue this item to the end of the agenda so that Rod Johnson could provide a review of the construction of structures, other park improvements and the lighting plan. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

****30. No. 02UR011 – Rapid River Subdivision**

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

Seaman explained that the applicant has not submitted a shared access agreement

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with the adjoining property owners for review and approval. She added that Staff is recommending that the Conditional Use Permit to allow a car wash in the General Zoning District be continued to the September 26, 2002 Planning Commission meeting to allow the applicant time to obtain the shared access agreement.

Wall requested that this item be placed on the next agenda under Regular Agenda Items.

Wall moved and Schmidt seconded to the continue the Conditional Use Permit to allow a car wash in the General Commercial Zoning District to the September 26, 2002 Planning Commission meeting.

David Bradsky, applicant, stated that he did not wish to have this item continued. He requested that the Planning Commission recommend approval with the stipulation that prior to issuance of a building permit, the applicant shall obtain a shared access agreement with adjoining property owners.

In response to a question by Wevik regarding other outstanding issues, Seaman advised that the shared access agreement is the only item left to be resolved.

Swedlund expressed concern with the number of times that this item had been continued. He added that in his opinion he felt that there was an issue with staff and the Zoning Board of Adjustment's interpretation of the zoning code.

Discussion followed concerning the requested variances to reduce the required number of stacking spaces for the vacuum bays, the south car wash bay and the cappuccino shop's north stacking lane.

Wevik requested that staff present an overview of the project.

Seaman presented the request, reviewed the slides and staff's recommendation. She added that the applicant submitted a revised site plan which eliminated the vacuum bays, shifted the cappuccino shop and car wash to the east, and provided the required off-street parking along the east property line. She explained that if the applicant is unable to obtain the shared access agreement, the site plan would likely have to be revised.

Hoffman stated that he would support approval of the Conditional Use Permit with the revised stipulation that prior to issuance of a Building Permit, the applicant shall obtain a shared access agreement with the adjoining property owners.

Discussion followed concerning delays, the Zoning Board of Adjustment's authority, requiring the applicant to submit a revised site plan if a shared access agreement with the adjoining property owners is not obtained, and continuing the request for two weeks.

Swedlund spoke against a continuance.

Discussion followed concerning the functions of the Zoning Board of Adjustment.

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Prairie Chicken stated that he would support approval with the stipulation that prior to issuance of a building permit that the applicant obtain a shared access agreement with the adjoining property owners.

In response to a question by Schmidt, Bradsky stated that he was not opposed to a continuance and would mail the shared access agreement to the adjoining property owner today.

The vote on the motion carried to continue the Conditional Use Permit to allow a car wash in the General Commercial Zoning District to the September 26, 2002 Planning Commission meeting. (8 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and Swedlund voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that Items 31 and 32 be considered concurrently.

31. 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.
32. 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.

Elkins advised that the applicant has requested that the applications for an Amendment to the Comprehensive and a Rezoning from Low Density Residential District to General Commercial District be denied without prejudice. She explained that the applicant has determined that the subject property is too small and is attempting to purchase the property located behind 502 Crazy Horse Street.

Hoffman moved, Stone seconded and unanimously carried to recommend 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 and the Rezoning from Low Density Residential District to General Commercial District be denied without prejudice at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

- **33. No. 02PD043 - Section 12, T1N, R7E**
A request by Vernon Osterloo for Rapid City Regional Hospital to consider an application for a **Major Amendment to a Planned Commercial Development to waive the requirement to provide a minimum of 50% of the required**

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landscaping within 20 feet of the parking lot and to waive the requirement to provide one tree with shrubs, groundcover and/or mulch in the parking lot islands on the unplatted balance of the SW1/4 and south 30 feet of vacated 3rd street right-of-way all in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 353 Fairmont Boulevard.

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

In response to a question by Swedlund, Marino advised that staff is recommending that all landscaping be waived within 400 feet of the center of the helipad.

In response to a question by Wall, Elkins advised that placing small shrubs, ground cover, or turf is an option.

Discussion followed concerning Federal Aviation standards, landscaping requirements and landscaping islands.

Vernon Osterloo, Director of Construction and Communications for Rapid City Regional Hospital, presented slides and a review of the damage to the asphalt caused by moisture penetrating from the landscaping islands. Osterloo stated that Regional Hospital is in compliance with the Landscaping Ordinance and are not attempting to eliminate landscaping points. He pointed out that Regional Hospital is proud of their landscaping and are over the required number of landscaping points. Osterloo stressed the unique situation that the hospital was in concerning the LifeFlight helicopter and the soil conditions on the subject property. He requested that the Planning Commission approve the request to concrete over the landscaping islands within 400 feet of the center of the helipad.

Wall expressed concerns with allowing a two to three acre asphalt parking lot with no landscaping. He stated that in his opinion it would be appropriate to have low bushes or shrubbery in the landscaping islands.

Schmidt stated that in his opinion public safety is the greatest concern and added that he supports staff's recommendation to approve with stipulations.

Rodriguez concurred with Wall and cautioned the Planning Commission on setting a precedent concerning concreting the landscaping islands.

Discussion followed concerning parking lot maintenance, asphalt failure around the islands due to moisture getting under the asphalt, subgrade soils, irrigation and elimination of landscaping islands in the south parking lot.

Robert Temme, American Engineering and Testing, Inc., stated that his firm provided a geotechnical study for Rapid City Regional Hospital for the new parking lot under construction. He also reviewed the soils at the site and stated that concreting the parking lot islands will significantly reduce the potential for water to penetrate the surrounding subgrade soils.

Wall suggested revising Stipulation #4 to require the applicant to submit a revised site plan showing required landscaping (small shrubs and groundcover) in the parking lot

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landscaping islands located within 400 feet of the center of the helipad.

Swedlund concurred with Wall and Rodriguez and stated that in his opinion it would be setting a bad precedent if the Landscaping Ordinance was not enforced.

Discussion followed concerning compromises to the landscaping requirements.

Hoffman moved, Schmidt seconded and carried to approved the Major Amendment to a Planned Commercial Development to waive the requirement to provide a minimum of 50% of the required landscaping within 20 feet of the parking lot and to waive the requirement to provide one tree with shrubs, groundcover and/or mulch in the parking lot islands with the following stipulations:

Engineering Division Recommendations:

1. No landscaping shall be planted over the water main located in the 5th Street right of way;
2. New construction over the sewer line easement shall be replaced at the owners expense if excavation for the sewer is required;

Fire Department Recommendations:

3. All parking lot grades, access, and turning width radius shall accommodate Fire Department apparatus and shall be in compliance with the Rapid City Municipal Code and the Uniform Fire Code;

Urban Planning Division Recommendations:

4. The applicant shall submit a revised site plan approval showing required landscaping in parking lot landscaping islands located more than 400 feet away from the center of the helipad. (6 to 3 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt and Stone voting yes and Swedlund, Wall and Wevik 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.

34. **No. 02PL085 - Canyon Lake Heights Subdivision**

A request by Renner & Sperlich Engineering Co. for Dean Kelly Construction to consider an application for a **Preliminary Plat** on Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8 located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Cliff Drive and Miracle Place.

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

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Bill Fleming, 4470 Cliff Drive, expressed his concerns with increased traffic, access, notification procedures and subdividing the subject property into four lots.

Jerald Mitzel, 4280 Farview Drive, expressed his opposition to the Preliminary Plat.

In response to a question by Wall, Fisher advised that the Preliminary Plat is the same as the Layout Plat that was submitted and approved for four lots.

Elkins advised that the area property owners were not sent a notification letter concerning the Layout Plat or the Preliminary Plat. She added that area property owners were sent a notification letter regarding the request for a Variance to the Subdivision Regulations for the existing lot.

In response to a question by Schmidt, Elkins estimated that there would be an increase of 24-30 trips a day if the property was subdivided into four lots.

Vivian Jorgenson, 4230 Farview Drive, expressed concerns with public safety, increased traffic and the orderly development of the area. She added that she is opposed to subdividing the property into four lots.

In response to a question by Hoffman, Elkins advised that 8.7 dwelling units per acre are allowed in Low Density Residential Districts.

Hoffman stated that he supports staff's recommendation.

Swedlund stated that in his opinion he likes to see economically diverse neighborhoods and that he does not oppose subdividing the property into four lots.

Fleming requested that the Planning Commission continue this item and visit the site before making a recommendation. He also expressed concerns with access to Lot D from Cliff Drive.

Schmidt asked how long the property had been zoned Low Density Residential. Elkins advised that she would have to research the zoning but thought it may have been zoned Low Density Residential when it was annexed.

In response to a question by Schmidt, Elkins explained that the applicant could have requested that the subject property be subdivided into 12 lots.

Jim England, 4561 Cliff Drive, stated that in his opinion subdividing the property into four lots was not appropriate for the area.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, the community well location shall be identified. In addition, a water permit shall be obtained from the South Dakota Department of Environment and Natural**

Draft

- Resources to allow the well to serve the proposed development;**
2. Prior to Preliminary Plat approval by the City Council, the design of the proposed community water system shall be submitted for review and approval in order to determine that domestic flow requirement(s) are being met;
 3. Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval identifying the water main located within the public right-of-way in lieu of the private utility easement;
 4. Prior to Preliminary Plat approval by the City Council, a homeowner's agreement shall be submitted for review and approval demonstrating maintenance of the community well until such time as City water is available to the property. In addition, the applicant shall enter into an agreement with the City stating that the property owner(s) shall install fire hydrants as required upon connecting to City water;
 5. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cliff Drive with the exception of one approach location;
 6. A Special Exception is hereby granted to allow access to proposed Lot D from Cliff Drive in lieu of Miracle Place, the lesser order street;
 7. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located through Lot A shall be submitted for review and approval 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;
 8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

Fire Department Recommendations:

9. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;
10. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised to provide additional radii within the "T" shaped turnaround at the western most terminus of Miracle Place;

Emergency Services Communication Center Recommendation:

11. Prior to Final Plat approval by the City Council, a road name change shall be approved to change the road name of "Miracle Place". The proposed road name shall be reviewed and approved by the Emergency Services Communication Center and, subsequently, approved by the City Council;

Urban Planning Division Recommendations:

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

Draft

Schmidt made a substitute motion and Swedlund seconded to recommend that the Preliminary Plat be continued to the September 26, 2002 Planning Commission.

Swedlund expressed his concerns with the platting process and that adjacent property owners are not required to be notified of plats. He also stated that he would not support approval of the Preliminary Plat.

Stone stated that he does not support the motion to continue as the applicant has already gone through the Layout Plat process and that he plans to recommend approval per staff's recommendation.

Mashek concurred with Stone and added that in her opinion she does not feel that any additional information will be obtained by continuing the request to the September 26, 2002 Planning Commission meeting.

The vote on the substitute motion to recommend that the Preliminary Plat be continued to the September 26, 2002 Planning Commission meeting failed. (2 to 7 with Swedlund and Schmidt voting yes and Fast Wolf, Hoffman, Mashek, Prairie Chicken, Stone, Wall and Wevik voting no)

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the community well location shall be identified. In addition, a water permit shall be obtained from the South Dakota Department of Environment and Natural Resources to allow the well to serve the proposed development;
2. Prior to Preliminary Plat approval by the City Council, the design of the proposed community water system shall be submitted for review and approval in order to determine that domestic flow requirement(s) are being met;
3. Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval identifying the water main located within the public right-of-way in lieu of the private utility easement;
4. Prior to Preliminary Plat approval by the City Council, a homeowner's agreement shall be submitted for review and approval demonstrating maintenance of the community well until such time as City water is available to the property. In addition, the applicant shall enter into an agreement with the City stating that the property owner(s) shall install fire hydrants as required upon connecting to City water;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cliff Drive with the exception of one approach location;
6. A Special Exception is hereby granted to allow access to proposed Lot D

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- from Cliff Drive in lieu of Miracle Place, the lesser order street;
7. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located through Lot A shall be submitted for review and approval 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;
 8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

Fire Department Recommendations:

9. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;
10. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised to provide additional radii within the "T" shaped turnaround at the western most terminus of Miracle Place;

Emergency Services Communication Center Recommendation:

11. Prior to Final Plat approval by the City Council, a road name change shall be approved to change the road name of "Miracle Place". The proposed road name shall be reviewed and approved by the Emergency Services Communication Center and, subsequently, approved by the City Council;

Urban Planning Division Recommendations:

12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
13. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 2 with Fast Wolf, Hoffman, Mashek, Prairie Chicken, Stone, Wall and Wevik voting yes and Schmidt and Swedlund voting no)

35. **No. 02SR011 - Section 6, T1N, R8E**

A request by Ron Buskerud for Pennington County to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public building and related improvements** on the E1/2 of the NE1/4 of the SW1/4 of the NE1/4 and NW1/4 of the NE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Pennington County Fairgrounds.

Fisher presented the request, reviewed the slides and staff's recommendation. She added that staff is recommending that the 11-6-9 SDCL Review be denied as there is a substantial amount of additional information that must be submitted in order to demonstrate that the project complies with City standards.

Ron Buskerud, Assistant to the Pennington County Commission, stated that the County has attempted to comply with all City standards but did not believe that the County will ever be able to comply with the Parking Regulations. He requested the

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Planning Commission approve the 11-6-19 SDCL Review so that the County can move forward with the construction of the Event Center.

In response to a question by Schmidt, Elkins advised that the County has already started to do dirt work on the site.

Lengthy discussion followed concerning the County's ability to overrule a Planning Commission decision and proceed with construction.

Green reviewed the Circuit Court Judge's decision and the process of overruling the Planning Commission that occurred with the Juvenile Detention Center at 703 Adams Street. He added that the City has appealed that decision.

Discussion followed on the appeal process.

Hoffman moved and Mashek seconded to continue the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements to the September 26, 2002 Planning Commission meeting.

Mashek stated that she would not support staff's recommendation to deny the request and that in her opinion it was appropriate to continue this matter to allow the County time to submit the required information for staff review.

Fast Wolf left the meeting at 9:12 a.m.

Lengthy discussion followed concerning City standards and perceptions.

Schmidt stated that he supports staff's recommendation to deny.

Lengthy discussion followed concerning the County's intentions. Elkins stated that Staff and County representatives met yesterday to discuss the additional required information. She added that those discussions were productive and that the County has been working with the City to resolve the remaining issues. She further explained that there is no variance procedure available to the County and that Staff believes that the County will be unable to comply with the Parking Regulations.

In response to a question by Wevik, Green advised that if the applicant requested that the application be denied without prejudice he did not feel that it would have any effect on the County's ability to overrule the denial and proceed with construction.

Wevik stated that he supports the County's plans to build an Event Center and does not want it to appear that the Planning Commission is being negative and unsupportive of the project.

Stone concurred with Wevik but supported the continuance to obtain additional required information.

Swedlund stated that in his opinion the Planning Commission has a job to do and that he feels that Planning Commission would be abdicating their negotiating ability if they approved or denied the request. He added that he supports a continuance.

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Schmidt made a substitute motion to recommend that the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements be denied. The motion died for lack of a second.

In response to a question by Swedlund, Elkins stated that she did not know if the issues remaining could be resolved in two weeks. She stated that staff stands by the recommendation to deny.

Wall left the meeting at 9:28 a.m.

Hoffman called the question. There were no objections to calling the question.

Wall returned to the meeting at 9:32 a.m.

The vote on the motion carried to continue the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements to the September 26, 2002 Planning Commission meeting. (6 to 2 with Hoffman, Mashek, Prairie Chicken, Stone, Swedlund, and Wevik voting yes and Schmidt and Wall voting no)

36. No. 02SR012 - Section 19, T2N, R8E

A request by William and Claudia Siegel to consider an application for an **11-6-19 SDCL Review to allow for the construction of a street** on a tract of land in the SE1/4 of SW1/4 of Section 19, T2N, R8E, BHM Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Freeland Avenue and Mullock Street.

Fisher presented the request, reviewed the slides and staff's recommendation. Fisher added that the road construction plans have not been completed and submitted for review and approval and that staff is recommending that the 11-6-19 SDCL Review to allow for the construction of a street be denied.

William Siegel, applicant, thanked Fisher for her help in this matter and reviewed the process that he has gone through between the County and the City to construct an 80 foot street to his single-family residence.

Green explained that if the Planning Commission denies the applicant's request and he appeals that decision it will go before the Rapid City Council not the County Commission.

Swedlund moved and Stone seconded to deny the 11-6-19 SDCL Review to allow for the construction of a street.

Wall expressed concerns with coordination between two governmental entities.

Discussion followed on staff attempts to coordinate with the County Planning staff.

Green reviewed the 11-6-19 SDCL Review process and the appeal process.

Draft

In response to a question by Mashek, Fisher clarified that the applicant would like the Planning Commission to approve the 11-6-19 SDCL Review to allow for the construction of a street per County standards.

Swedlund amended his motion to approve the 11-6-19 SDCL Review to allow for the construction of a street per County standards. The second concurred.

In response to a question by Prairie Chicken, Siegel advised that the road to his residence is a 20 foot wide graveled road.

The vote on the motion unanimously carried to approve the 11-6-19 SDCL Review to allow for the construction of a street per County standards. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

Hoffman moved, Stone seconded and unanimously carried to continue the remainder of the agenda, Items 25 and Items 37-44, to Thursday, September 12, 2002 at 7:00 a.m. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

Chairperson Wevik reconvened the September 5, 2002 meeting on September 12, 2002 at 7:01 a.m.

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Paul Swedlund, Jeff Stone, Bob Wall, and Stuart Wevik. Also present was Martha Rodriguez and Sam Kooiker, City Council Representatives.

STAFF PRESENT: Marcia Elkins, Jeff Marino, Tom Kurtenbach, Bill Knight, Rod Johnson, Tim Behlings, Dave LaFrance, Jason Green and Nadine Bauer

37. No. 02SR013 - Section 19, T1N, R8E and Section 24, T1N, R7E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **11-6-19 SDCL Review to construct a street within a Section Line Highway** on the Section Line Highway located between Section 19, T1N, R8E and Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of future 5th Street and Catron Boulevard.

Bulman presented the request and reviewed the slides. Bulman advised that the applicant has obtained a Construction Permit from Pennington County to construct a street within a section line highway. She explained that the street has not been constructed to City standards and added that staff recommended that the request be denied.

Draft

Elkins reminded the Planning Commission that there was a similar application for an 11-6-19 SDCL Review to allow for the construction of a street on a tract of land located northwest of the intersection of Freeland Avenue and Mullock Street considered by the Planning Commission on September 5, 2002. She indicated that staff had recommended that the Seigel request be denied as it was not constructed to City standards but Planning Commission approved the request on September 5, 2002.

Mashek stated that in her opinion these two requests have completely different issues and does not feel that it is appropriate to construct a road that is not built to City standards in a high growth area with dense commercial usage.

Orville Davis, applicant, stated that he is not opposed to development. He added that he would like to wait until City water and sewer have been extended to the south of Catron Boulevard before being required to construct a principal arterial road to City Street Design Standards. Davis stated that this gravel road would provide access to his storage buildings in the interim until the rest of his property is ready to be subdivided. He requested that the Planning approve his request.

Discussion followed concerning the proposed 24-foot gravel road in the section line highway, the access road to the storage buildings and projected time frames for platting and development.

Hoffman stated that in his opinion the road should be built to City standards if development has begun in the area.

Wall concurred with Hoffman and added that this area has been identified in the Future Land Use Plan and he is opposed to allowing a 24-foot gravel road south of Catron Boulevard.

Wall moved and Mashek seconded to recommend that the 11-6-19 SDCL Review to construct a street within a section line highway be denied.

In response to a question by Prairie Chicken, Davis stated that he would be willing to bring the road into compliance with City standards as soon as the City extends water and sewer across Catron Boulevard. Davis discussed the construction design plans for 5th Street north of Catron Boulevard. Davis reiterated that he is not opposed to development but is concerned about the sequencing of construction.

Elkins reviewed the various discussions that have occurred explained that over the past 2 1/2 years, noting that there has been considerable discussion regarding design, alignment and drainage of 5th Street north of Catron Boulevard.

Discussion followed concerning intersection work that is planned by the South Dakota Department of Transportation at 5th Street and Catron Boulevard.

In response to a question by Swedlund, Elkins explained that if the request is approved now without any stipulations for the road to be upgraded, the applicant could continue to utilize the gravel road and the City would be stuck with a gravel road that has multiple uses on a large parcel. Elkins added however that she believes that

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platting will occur which would result in the road having to be upgraded.

In response to a question by Wevik, Elkins advised that the road to the east that provides access to the storage sheds would remain unimproved.

Schmidt called the question. There were no objections to calling the question.

The vote on the motion carried to recommend that the 11-6-19 SDCL Review to construct a street within a section line highway be denied. (8 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Swedlund, Wall, and Wevik voting yes Stone voting no)

38. No. 02SR016 - Rapid City Greenway Tract

A request by Michael Pelly for The Rapid City Area Character Counts Coalition to consider an application for an **11-6-19 SDCL Review to allow the construction of a public building in a public park** on Tract 19 of Rapid City Greenway Tract of Section 36, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Omaha Street and I-190 in West Memorial Park.

Marino presented the request, the slides and Staff's recommendation for approval of the request.

In response to a question by Prairie Chicken, Elkins advised that parking would be shared with the existing parking at the tennis courts.

In response to a question by Wall, Elkins advised that the Mayor's Beautification Committee did not feel that Halley Park or Memorial Park was an appropriate location for the Character Counts Pavilion. She explained that the Parks and Recreation Committee recommended Roosevelt Park as their number one choice with Memorial Park as their number two choice. She noted that the applicant felt that Memorial Park was a more appropriate location and more visible than Roosevelt Park.

Discussion followed concerning the West Memorial Park Master Plan, parking, passive open spaces, multiple construction activity at Roosevelt Park, the Parks and Recreation Committee's concern with stigmatizing any one area and the creation of a destination.

Schmidt spoke in opposition to the Memorial Park location.

In response to a question by Fast Wolf, Johnson explained that the applicant felt that the size of the buildings and pool would overshadow the Character Counts Pavilion and felt that West Memorial Park would be a suitable location.

Hoffman stated that he supports the project and the West Memorial Park location.

Swedlund concurred with Hoffman.

Discussion followed concerning beautification efforts at the northwest corner of I-190

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and Omaha Street and efforts to fund improvements in West Memorial Park.

Prairie Chicken stated that in his opinion, the Character Counts program is important to younger people and that it is a significant project for the community and schools. He stated that he supports the project and the West Memorial Park location.

Mashek noted that she did not support the Halley Park location and appreciates that the applicant examined other locations. She added that she supports the project and the West Memorial Park location.

Mashek moved and Hoffman seconded to recommend that the 11-6-19 SDCL Review to allow the construction of a public building in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant must obtain a city building permit prior to any construction;
2. Building permit plans shall show all existing underground utilities;
3. All construction shall comply with all applicable provisions of Section 17.28 of the Rapid City Municipal Code;
4. No structures shall be constructed in any utility easements; and,

Urban Planning Division Recommendations:

5. Prior to issuance of a building permit, a lighting plan shall be submitted for review and approval.

Wall stated that he supports the project but expressed his concerns with the West Memorial Park location. He added that Roosevelt Park would be a suitable location, as it would have better accessibility and attract more people with the ice-skating rink, recreation center and pool.

Schmidt concurred with Wall's concerns about the location. He added that in his opinion Roosevelt Park is a better location and does not support the motion to approve the request.

The vote on the motion carried to recommend that the 11-6-19 SDCL Review to allow the construction of a public building in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant must obtain a city building permit prior to any construction;
2. Building permit plans shall show all existing underground utilities;
3. All construction shall comply with all applicable provisions of Section 17.28 of the Rapid City Municipal Code;
4. No structures shall be constructed in any utility easements; and,

Urban Planning Division Recommendations:

5. Prior to issuance of a building permit, a lighting plan shall be submitted for review and approval. (6 to 3 Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, and Wevik voting yes and Fast Wolf, Schmidt and Wall voting no)

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****39. 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 presented a slide of the site plan and discussed the structure of the billboard.

Schmidt spoke in opposition of billboard maintenance platforms.

Swedlund moved and Schmidt seconded to recommend that the Conditional Use Permit to allow the construction of a billboard be approved per staff recommendations with the added stipulation that the billboard be a double-sided flat faced billboard with no maintenance platform.

Doug Rumpca, General Manager for Lamar Advertising, expressed his concerns with servicing the south side of the sign with a bucket truck. Rumpca stated that at this location the bucket truck could not drive right up to the sign.

Terry Olson, Lease Manager for Lamar Advertising, discussed the limited ability of a bucket truck to maintain billboards. Olson explained that the maintenance platforms are about four feet in width, which allows staff to maintain the billboards. He added that the lights are placed on the platform.

Swedlund made a substitute motion to recommend that the Conditional Use Permit to allow the construction of a billboard be denied. The motion died for lack of a second.

In response to question by Schmidt, Olson advised that the maintenance platform is not right up against the billboard. He explained that the platform extends out from the billboard about 18 inches and then the platform is approximately 23 inches in width. Rumpca stated that the attached lighting to the platform is a prism design and will be aesthetically pleasing to the neighborhood.

Green reminded the Planning Commission that according to Chapter 15.28 of The Rapid City Municipal Code the billboard cannot hang over the roof of the building.

Hoffman suggested that the request be denied without prejudice to allow the applicant time to re-submit site and design plans.

Rumpca explained that the previous billboard was a stacked billboard that was 560 square feet in size. He added that this billboard had been at this location for well over 30 years and had to be removed as it was in the way of the new building. Rumpca stated that the proposed single pole billboard is about half the size of the previous at 250 square feet in size.

Steve Blake, Sales Manager for Lamar Advertising, added that the landowner had four billboards at this location and that this request is for only two billboards.

In response to a question by Schmidt, Blake advised that Lamar Advertising has approximately 100 billboards located throughout the City that have front maintenance

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platforms.

Elkins reviewed the site plan and advised that the sign does overhang the building by two feet. She explained that the sign could be moved two feet toward Lacrosse Street. She added that the applicant must continually meet the provisions of Chapter 15.28 of the Rapid City Municipal Code as outlined in Stipulation #5.

Swedlund expressed concern with non-conforming signs and the neighbors being able to see the maintenance platform from their backyards.

Hoffman made a substitute motion and Wall seconded to recommend that the Conditional Use Permit to allow the construction of a billboard be denied without prejudice.

Stone stated that this request has been continued several times and indicated that he does not support the motion to deny without prejudice. Stone stated that in his opinion the request should be approved with stipulations.

In response to a question by Prairie Chicken, Rumpca stated that he would have to check on the landowner's construction time table concerning continuing the request to the September 26, 2002 Planning Commission meeting.

In response to a question by Swedlund, Elkins advised that the applicant could move the sign over two feet and the issue is covered in Stipulation #5.

Wall stated that he supports approval of the Conditional Use Permit to allow the construction of a billboard.

In response to a question by Schmidt, Rumpca advised that the required sign has been posted on the property and that the receipts from the certified mailing have been returned. He added that there have been no neighbors that have called or inquired regarding the proposal.

The vote on the substitute motion was defeated to recommend that the Conditional Use Permit to allow the construction of a billboard be denied without prejudice. (1 to 8 with Hoffmann voting yes and Fast Wolf, Mashek, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting no)

Wevik clarified that the original motion is to recommend that the Conditional Use Permit to allow the construction of a billboard be approved per staff's recommendation with the added stipulation that the billboard be a double-sided flat faced billboard with no maintenance platform.

Schmidt called the question. There were no objections to calling the question.

The vote on the motion failed to recommend that the Conditional Use Permit to allow the construction be approved with the following stipulations:

Transportation Planning Division Recommendations:

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

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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 shall not exceed 250 square feet in size;

Urban Planning Division Recommendations:

5. The provisions of Chapter 15.28 of the Rapid City Municipal Code must be continually met; and,
6. A sign license must be obtained yearly.

Planning Commission Recommendation:

7. The off-premise sign shall be a double-sided flat faced sign without a maintenance platform. (4 to 5 with Mashek, Schmidt, Swedlund, and Wevik voting yes and Fast Wolf, Hoffmann, Prairie Chicken, Stone and Wall voting no)

Wall moved and Stone seconded to recommend that the Conditional Use Permit to allow the construction of billboard be approved 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 shall not exceed 250 square feet in size;

Urban Planning Division Recommendations:

5. The provisions of Chapter 15.28 of the Rapid City Municipal Code must be continually met; and,
6. A sign license must be obtained yearly.

Discussion followed concerning the type of billboard to be constructed.

Wall amended the motion to allow the construction of a double sided flat faced billboard. The second concurred.

Swedlund stated that the sign regulations allow a front maintenance platform but expressed concerns with the message that is being sent to the community. He added that in his opinion the Planning Commission is supporting the industry and not the community regarding maintenance platforms.

Schmidt stated that in his opinion he does not feel it is appropriate to have maintenance platforms but planned to support the motion since the previous sign had been at that location for over 30 years and that no neighbors have come forward to

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voice any opposition to the billboard.

The vote on the motion carried to recommend that the Conditional Use Permit to allow the construction of billboard be approved 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 shall not exceed 250 square feet in size;

Urban Planning Division Recommendations:

5. The provisions of Chapter 15.28 of the Rapid City Municipal Code must be continually met;
6. A sign license must be obtained yearly; and,

Planning Commission Recommendation:

7. The off-premise sign shall be a double-sided flat faced sign. (7 to 2 with Fast Wolf, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and Hoffman and 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. 02UR024 - Section 30, T2N, R8E**

A request by Chrisbro LLC for the Hampton Inn to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lots D and E of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plats filed in Plat Book 7, Pages 70 and 71; together with the vacated north 10 feet of Luna Avenue adjacent to Lot D as recorded in Book 60, Page 8356 and amended Resolution recorded in Book 61, Page 7735; together with the north 30 foot of the 60 foot portion of vacated Luna Avenue recorded in Book 94, Page 3489; together with the vacated 20 foot alley located between lots D and E as recorded in Book 61, Page 4631; together with the Vacated South 10 feet of Latrobe Avenue adjacent to Lot E as recorded in Book 83, Page 7021; together with the vacated westerly 10 feet of Pine Street between Latrobe Avenue and Luna Avenue adjacent to Lots D and E as recorded in Book 94, Page 3485; together with the vacated westerly 10 foot by 30 foot of Pine Street adjacent to Luna Avenue as recorded in Book 98, Page 8302; all located in the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 Rapp Street.

In response to a question from Prairie Chicken, Gary Christianson stated that the

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owners of Chrisbro, LLC consisted of him and his brother.

Tim Behlings, Rapid City Fire Department, stated that the Fire Department would like to add a stipulation regarding no alcohol being served on the premise until the applicant has obtained a Certificate of Occupancy rather than the Temporary Certificate of Occupancy under which the facility is being operated. Behlings explained that the applicant is very close to complying with all of the requirements of the Fire Code.

Stone moved and Schmidt seconded to recommend that the Conditional Use Permit to allow an On-Sale Liquor Establishment be approved with the following stipulations:

Urban Planning Division Recommendations:

1. That no signage shall be allowed on the exterior of the structure that advertises alcoholic beverages;
2. That the on-sale liquor use shall be accessory to the hotel and no permanent bar facility shall be permitted unless a major amendment is approved;
3. That all requirements of the landscaping and parking ordinance shall be continually met;
4. The Conditional Use Permit approval 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; and,

Fire Department Recommendation:

5. That no on-sale liquor use shall be permitted prior to issuance of a Certificate of Occupancy and all requirements of the Fire Code shall be complied with.

In response to a question by Wall, Christianson advised that their wine and malt beverage license will be used in conjunction with meetings and catered events.

Mashek left the meeting at 8:26 a.m.

The vote on the motion carried unanimously to recommend that the Conditional Use Permit to allow an On-Sale Liquor Establishment be approved with the following stipulations:

Urban Planning Division Recommendations:

1. That no signage shall be allowed on the exterior of the structure that advertises alcoholic beverages;
2. That the on-sale liquor use shall be accessory to the hotel and no permanent bar facility shall be permitted unless a major amendment is approved;
3. That all requirements of the landscaping and parking ordinance shall be continually met;

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4. The Conditional Use Permit approval 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; and,

Fire Department Recommendation:

5. That no on-sale liquor use shall be permitted prior to issuance of a Certificate of Occupancy and all requirements of the Fire Code shall be complied with. (8 to 0 with Fast Wolf, Hoffman, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik 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.

25. **No. 02SR014 - Robbinsdale Addition No. 10**

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow for the construction of structures and other park improvements** on Lot 2 Block 11 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Parkview Park.

Fast Wolf and Swedlund left the meeting.

Wall stated that he had pulled this item from the Consent Agenda because of his concerns with the lighting of the ball fields.

Elkins stated that a stipulation could be added that all efforts will be made to screen the lighting from the neighborhood.

Swedlund returned to the meeting at this time.

Wall moved, Schmidt seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of structures and other park improvements be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to any construction the applicant shall obtain a building permit;
2. An erosion/sediment control permit shall be submitted for review and approval prior to the issuance of a building permit;
3. Prior to issuance of a building permit the applicant shall obtain coverage under State General Permit for storm water runoff from the construction site;
4. All applicable provisions of Section 17.28 of the Rapid City Municipal Code shall be continually met;

Fire Department Recommendations:

5. All Uniform Fire Codes shall be continually met;

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6. **The Indoor Recreation Complex and the Ice Arena shall be sprinklered throughout;**
7. **The applicant must maintain sidewalks accessible to emergency vehicles at all times;**

Air Quality Division Recommendations:

8. **An Air Quality permit shall be obtained prior to any surface disturbance; and,**

Planning Commission Recommendation:

9. **The applicant will continue to make all efforts to screen the lighting from surrounding neighborhood. (7 to 0 with Hoffmann, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)**

41. Discussion Items

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

Elkins reviewed Anderson's memorandum concerning new definitions and staff's recommendation.

Fast Wolf returned to the meeting at this time.

Wall moved, Stone seconded and unanimously carried to authorize staff to advertise a public hearing to consider an ordinance amendment to adopt definitions and to change the language in the code accordingly. (8 to 0 with Fast Wolf, Hoffmann, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

- B. Planner III Title - Paul Swedlund**

Swedlund stated that in his opinion it was necessary to have the Planner III position upgraded to Assistant Planning Director. He added that he felt it was necessary that the Planning Department have an Assistant Planning Director to act in the absence of the Planning Director.

Swedlund moved to recommend that the Planner III position be upgraded to Assistant Planning Director and that the Planning Director be directed to appoint an Assistant Planning Director. Schmidt seconded the motion for discussion purposes.

Wevik asked for clarification of the motion and direction.

Elkins stated that the Planning Commission could direct the Planning Director to work with the Human Resource Department to complete the necessary paperwork to draft an Assistant Director job description and submit it to the Mayor and City Council for review and approval to create the position of Assistant Planning Director.

Green explained that the Planning Director is a City Department head and does not have the authority to create an Assistant Planning Director position.

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He added that the Planning Director can make a recommendation to the Mayor and City Council to create such a position.

Fast Wolf expressed concerns that this was the first she had heard of a need for an Assistant Planning Director.

Swedlund stated that he would be interested in reviewing the position description before it is forwarded to the Mayor and City Council.

Schmidt stated that in his opinion he feels that Elkins' continuity plan is working. He stated that most departments do have an Assistant Director but added that he plans to leave this matter to the discretion of the Mayor on how to run the Planning Department.

Hoffman expressed his concern with Elkins being absent from one meeting in a very long time and a motion is made and seconded to establish an Assistant Planning Director without even discussing the matter with Elkins. He added that he supports bringing this discussion to a quick end and continuing with the process Elkins has outlined in her memorandum whenever she is out of town.

Wall stated that he has reviewed Elkins' memorandum. He added that he supports her explanation of the Planner III position.

Prairie Chicken concurred with Wall and advised that he believes his role as a Planning Commissioner is to review zoning and ordinance issues not to micromanage the Planning Department and to deal with personnel issues.

Swedlund amended his motion to direct the Planning Director to document the need for an "Assistant Planning Director" position and submit it to the Mayor and City Council for review and approval.

Wevik expressed his concern with the message that would be sent to the Mayor and City Council if this motion is approved.

Schmidt called the question. There were no objections to calling the question.

The vote on the motion was defeated to direct the Planning Director to prepare the proper documentation to create a position entitled "Assistant Planning Director" and submit it to the Mayor and City Council for review and approval. (1 to 7 with Swedlund voting yes and Fast Wolf, Hoffman, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting no)

Swedlund moved to direct the Planning Director and Mayor to examine the issue of appointing an "Assistant Planning Director" as an alternative. The motion died for lack of a second.

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Wevik advised that no action was necessary on this discussion item.

C. Fees, timetables and notification procedures for Comprehensive Plan Amendments

Elkins stated that staff is recommending that the discussion of fees, timetables and notification procedures for Comprehensive Plan Amendments be continued to the September 26, 2002 Planning Commission meeting to allow more time to research the issue.

Wall moved, Schmidt seconded and unanimously carried to continue the discussion of fees, timetables and notification procedures for Comprehensive Plan Amendments to the September 26, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffman, Prairie Chicken, Schmidt, Swedlund, Stone, Wall and Wevik voting yes and none voting no)

Fast Wolf left the meeting at this time.

D. Attaching Planned Commercial Developments on property in the General Commercial District - Jason Green

Green reviewed the three criteria used in granting Planned Commercial Developments. He cautioned the Planning Commission in attaching Planned Commercial Developments to General Commercial District in an attempt to restrict the use of the property, as it may constitute taking of the property.

Swedlund left the meeting at this time.

Discussion followed concerning the platting process. Green advised that attaching a Planned Commercial Development on property during the platting process would not be appropriate.

Elkins explained that during a Rezoning request a Planned Commercial Development could be placed on property.

Swedlund returned to the meeting at this time.

In response to a question by Wall, Elkins advised that at a previous meeting Swedlund had raised the question regarding Planned Commercial Developments being placed on property in the General Commercial Zoning District.

Swedlund stated that he recalled that there was an application for a Conditional Use Permit to allow for mini storage buildings in the General Commercial District at 620 Howard Street. He expressed concerns about a pole barn being on the property and that there was not a Planned Commercial Development attached to the property.

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42. Staff Items

A. 11-6-19 SDCL Reviews

Elkins reviewed the 11-6-19 SDCL Review process and noted the lack of the criteria for review of these request and the pending legal actions.

Green advised that the City Attorney's office is in the process of drafting a memo that outlines the proper process for 11-6-19 SDCL Reviews.

B. Plat Notifications

Discussion followed concerning re-establishing a committee to examine requiring the notification of area property owners on all plats.

Wevik suggested that staff put together a summary and copies of previous minutes and place this on the September 26, 2002 Planning Commission agenda as a discussion item.

C. Planning Staff

Elkins introduced Tom Kurtenbach, Planner I. Elkins stated that she appreciates the efforts and hard work Fisher, Seaman and Bulman have provided in training the two new planners. She added that the vacant half-time Planner position vacancy is currently posted and that she hopes the Urban Division will be fully staffed in the next few weeks.

43. Planning Commission Items
None

There being no further business, Stone moved, Wall seconded and unanimously carried to adjourn the meeting at 8:59 a.m. (7 to 0 with Hoffmann, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)