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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 10, 2002

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

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

Chairperson Wevik called the meeting to order at 7:03 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.

Staff requested that Item #4 be removed from the Non-Hearing Consent Agenda for separate consideration. No Planning Commissioner or audience member requested any items to be removed from the Non-Hearing Consent Agenda for separate consideration.

Hoffmann moved, Stone seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Item #4. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

1. Approval of the September 26, 2002 Planning Commission Meeting Minutes.

2. 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 October 24, 2002 Planning Commission meeting to obtain additional signatures on the Petition for Annexation.

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3. 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 October 24, 2002 Planning Commission meeting to allow the applicant to submit additional information.

5. No. 02PL049 - Murphy Ranch Estates Subdivision

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

Planning Commission acknowledged the applicant's request to withdraw the Layout Plat.

6. No. 02PL051 - Professional Plaza Subdivision

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 at the southeast corner of the intersection of 5th Street and North Street.

Planning Commission recommended that the Preliminary and Final Plat be denied without prejudice.

7. No. 02PL070 - Meadows Subdivision

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

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Planning Commission recommended that the Preliminary and Final Plat be continued to the October 24, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

8. 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.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting in order to be heard in conjunction with the associated Subdivision Regulations Variance request.

9. 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, BHM, 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 October 24, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

10. No. 02PL089 - Schamber Addition

A request by Renner & Sperlich Engineering for Robert Martin, P.C. to consider an application for a **Layout Plat** on Lots A, B, C and D of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 thru 20, Block 3 of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 and 1915 Rushmore Street.

Planning Commission recommended that the Layout Plat be continued to the October 24, 2002 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 02PL093 - Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6 Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the

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NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Longview Drive to the east of East 53rd Street and Reservoir Road.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the October 24, 2002 Planning Commission meeting to allow the applicant to submit revised and/or additional information.

12. No. 02PL094 - Estes Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Estes to consider an application for a **Layout Plat** on Lot 2R and Lot 4R2 of Estes Subdivision; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2, Lot 4 Revised, and unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 2.3 miles south of Reptile Gardens on Aero Road.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval. In particular, the use of on-site well(s) and/or a community water source shall be identified and submitted for review and approval. In addition, the on-site well(s) and/or community water source shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
2. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainfield easement(s) on each lot;
3. Upon Preliminary Plat submittal, the plat shall be revised to show an eight foot wide utility easement along all lot lines;
4. Upon submittal of a Preliminary Plat, topographic information shall be submitted for review and approval;
5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted for that portion of Aero Road located within the City's three mile platting jurisdiction. The design plans shall show the location of utilities, storm drainage, curb and gutter, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of the Preliminary Plat, Aero Road shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 1,200 feet in length with a turnaround at the closed end and an intermediate turnaround(s) at intervals not to exceed 600 feet or a Special Exception to the Street Design Criteria Manual shall be obtained;

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7. Upon submittal of the Preliminary Plat, the plat shall be revised to show Aero Road as “dedicated right-of-way” in lieu of a “roadway easement”;
8. Upon submittal of the Preliminary Plat, that portion of the section line highway located within the City’s three mile platting jurisdiction shall be built to City street design standards or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the section line highway or the section line highway shall be vacated;

Fire Department Recommendation:

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;

Register of Deed’s Office Recommendation:

10. Prior to Final Plat approval by the City Council, the plat title shall be revised to read “Lot 2R and Lot 4R2 of Estes Subdivision (Formerly Lot 2 and Lot 4 Revised of Estes Subdivision and unplatted land in W1/2NW1/4SW1/4, Section 15, T1S, R7E);

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, a subdivision estimate form for that portion of the improvements located within the City’s three mile platting jurisdiction shall be submitted for review and approval; and
12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements located within the City’s three mile platting jurisdiction that have not been completed shall be posted and the subdivision inspection fee shall be paid.

13. **No. 02PL095 - Moon Ridge Subdivision**

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to submit additional information.

14. **No. 02SR017 - Rapid City Greenway Tracts**

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow park improvements including permanent and temporary structures** on Tract 28 of Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 141 E Omaha Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow park improvements including permanent and temporary structures be

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continued to the October 24, 2002 Planning Commission meeting to allow the applicant time to submit additional information.

15. No. 02SR018 - Rapid City Greenway Tract

A request by Bryan Schnell for Canyon Lake Little League to consider an application for an **11-6-19 SDCL Review to allow park improvements including structures** on Tract 8 of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1610 32nd Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow park improvements including structures be continued to the October 24, 2002 Planning Commission meeting.

16. No. 02SR019 - Wasteland Subdivision

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of a building and fence** on Tract A of Wasteland Subdivision of Section 19, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 5555 S Highway 79.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a building and fence be approved with the following stipulations:

Fire Department Recommendations:

1. The applicant shall provide all access driveways, turnarounds, and grades to be in compliance with the City Street Design Criteria Manual;
2. The applicant shall provide all addresses with twelve inch numbers clearly visible from the street or access point;

Engineering Division Recommendations:

3. The applicant shall register the sand interceptor with the industrial pre-treatment coordinator;
4. The sand interceptor shall be plumbed to the sewer system;

Urban Planning Division Recommendations:

5. The applicant shall provide a revised site plan showing paved access to all parking areas prior to building permit approval consistent with Section 17.50.270 (G)1.b. of the Rapid City Municipal Code; and
6. All parking areas must be paved and maintained in accordance with Section 17.50.270 G.(3).

17. No. 02SR021 - Section 10, T1N, R7E

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to construct a fence on public property** on the unplatted portion of the NW1/4 NE1/4 less Lots A-B-R and less Lot H1; W1/2 SW1/4 NE1/4 less Lot 1R and less Lot H1; the unplatted portion of the W1/2 SW1/4 NE1/4; and, the unplatted portion of the E1/2 of SW1/4 NE1/4, all located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

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Mt. View and Mt. Calvary Cemeteries, 1901 Mt. View Road.

Planning Commission recommended that the 11-6-19 SDCL Review to construct a fence on public property be approved with the following stipulation:

Urban Planning Division Recommendations:

1. **That the fence not exceed four feet in height or a fence height exception shall be obtained prior to construction.**

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

4. **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; Pine 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.

Elkins stated that the applicant has requested additional time to talk to adjacent property owners regarding dedication of right-of-way. She added that staff is recommending that the Layout Plat be continued to the October 24, 2002 Planning Commission meeting.

Wall moved, Hoffmann seconded and unanimously carried to recommend that the Layout Plat be continued to the October 24, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, 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.

Wall requested that Items 20 thru 33 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 34 be removed from the Hearing Consent Agenda for separate consideration.

Hoffmann moved, Stone seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 thru 40 in accordance with the staff recommendations with the exception of Items 20 thru 34. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

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---HEARING ITEMS CONSENT CALENDAR---

18. No. 02OA016 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to modify the parking regulations within the City of Rapid City to comply with the Americans with Disabilities Act by amending Section 17.50.270 of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment to incorporate provisions of the American with Disabilities Act to the Rapid City parking regulations be approved.

19. No. 02OA017 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to define and apply the terms "abut", "adjacent", "adjoin" and "contiguous" to the Zoning and Subdivision Ordinances by adding Sections 17.04.012, 17.04.021, 17.04.022 AND 17.04.163 to the Rapid City Municipal Code and by amending Sections 17.38.080 (A) (6), 17.38.080 (B) (6), 17.50.180 (A), 17.50.300 (C), 16.20.030 (E), 16.20.050 (B) (1), 17.04.285, 17.04.755, 17.08.030 (H), 17.10.030 (H), 17.28.040 (C) (d), 17.38.030 (I), 17.50.060 (A), 17.50.070 (A) (b), 17.50.100 (A), 17.50.105 (A), 16.12.050, 16.28.040 (H), 17.04.075, 17.04.140, 17.04.335, 17.04.645, 17.30.040 (C) (1), 17.32.040 (C) (1), 17.50.180 (A), 17.50.290, 17.50.300 (B) (1) (b), 17.50.300 (C), 17.50.300 (E) (2), 17.50.300 (E)(2), 17.56.090 (D), 16.12.030 (E), 16.20.040 (O)(1), 17.18.080, 17.20.080, 17.36.080, 17.40.070, 17.30.070, 17.32.070, 17.24.040 (D) (2), 17.40.040 (B), 17.40.040 (C), and 17.50.110 (C) (3) of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance to define and apply the terms "abut", "adjacent", "adjoin" and "contiguous" and their variations to the Rapid City Zoning and Subdivision Ordinances be approved.

**35. No. 02PD051 – Mountain Shadow Subdivision

A request by Renner and Sperlich Engineering for John and Sally Samuelson to consider an application for a **Major Amendment to a Planned Residential Development to reduce the side yard set back** on Lots 18 and 19 of Block 2 of Mountain Shadows Subdivision located in the SW1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2421 Danbury Circle.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to reduce the side yard set back be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit a retaining wall plan stamped by a licensed engineer prior to building permit approval;
2. The applicant shall submit a grading plan stamped by a licensed engineer prior to building permit approval;
3. The applicant shall submit a drainage plan stamped by a licensed engineer prior to building permit approval;

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Urban Planning Division Recommendations:

4. All stipulations of the original Planned Residential Development approval shall be met at all times; and
5. All codes of the Rapid City Municipal Code be continually met.

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

****36. No. 02PD052 – Original Town of Rapid City**

A request by William Stott, AIA for Savage and Palandri Architects to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots 1 thru 11, Block 115, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of 5th Street and Quincy Street.

Planning Commission recommended that the Planned Commercial Development - Initial Development Plan be continued to the October 24, 2002 Planning Commission meeting to allow the applicant to submit a revised site plan.

37. No. 02SV016 – Murphy Ranch Estates

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

Planning Commission acknowledged the applicant's request to withdraw the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water.

38. 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. Revised and Lot 10 A of Vaughn's Subdivision, located in the 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

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be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to revise the application to include waiving the requirement to install waterline(s).

39. No. 02SV039 – Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development Inc. to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.12 of the Municipal Code** on Lot 3R of Block 4, Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sydney Drive and East Oakland Street.

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

**40 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, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 Seger Drive.

Planning Commission recommended that the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the November 7, 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---

Wall requested that Items 20 thru 33 be considered concurrently.

20. No. 02CA049 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 2.4 acre parcel from Public to Office Commercial with a Planned Development Designation** on a parcel of land located from 420 feet to 770 feet north and 300 feet west of the easterly line of the E1/2 SW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Comprehensive Plan to change the future land use designation on a 2.4 acre parcel from Public to Office Commercial with a Planned Development Designation be approved.

21. No. 02CA050 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the**

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Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 25.5 acre parcel from Low Density Residential to Public on the north 840 feet of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 25.5 acre parcel from Low Density Residential to Public be approved.

22. No. 02RZ059 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** on the north 840 feet of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to Public District be approved in conjunction with the related Amendment to the Comprehensive Plan.

**23. No. 02PD047 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Planned Development Designation be continued to the October 24, 2002 Planning Commission meeting.

24. No. 02RZ052 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the October 24, 2002 Planning Commission meeting.

**25. No. 02PD048 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

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Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to Neighborhood Commercial District with the following stipulations:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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.

****26. No. 02PD053 - Section 3, T1N, R8E**

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the west 372 feet of SE1/4 NW1/4 and the S1/2 NE1/4 NW1/4, less Lot 1, Block 13, Big Sky Subdivision and less the western 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 13, Big Sky Subdivision, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to Medium Density Residential District with the following stipulation:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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

27. No. 02RZ055 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the west 372 feet of SE1/4 NW1/4 and the S1/2 NE1/4 NW1/4, less Lot 1, Block 13, Big Sky Subdivision and less the western 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 13, Big Sky Subdivision, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with a Planned Development Designation.

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****28. No. 02PD054 - Section 3, T1N, R8E**

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the W1/2 SW1/4 NW1/4 and the SW1/4 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Planned Development Designation be approved with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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.

29. No. 02RZ056 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the W1/2 SW1/4 NW1/4 and the SW1/4 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation.

****30. No. 02PD055 - Section 3, T1N, R8E**

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the E1/2 SW1/4 NW1/4 and the SE1/4 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Planned Development Designation be approved contingent upon the approval of the associated rezoning from No Use District to Office Commercial District and the associated Comprehensive Plan Amendment with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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

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31. No. 02RZ057 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the E1/2 SW1/4 NW1/4 and the SE1/4 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

32. No. 02RZ054 - Section 18, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot H1 of the E1/2 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the west portion of SD Highway 79 north of Folsom Road.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.

33. No. 02RZ058 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the east 948 feet of SE1/4 NW1/4 less Lot 1, Block 14, Big Sky Subdivision and less the eastern 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 14, Big Sky Subdivision, and the south 480 feet of the SW1/4 NE1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the October 24, 2002 Planning Commission meeting.

Elkins explained that Items 20 thru 33 are applications that are attempting to implement the Future Lane Use Plan for the Elk Vale Neighborhood area. She noted that the only significant change is the zoning on the parcel of land that is the future site of the new fire station.

Bulman presented the slides, reviewed the zoning and staff's recommendation for each application.

Wall moved and Hoffmann seconded to recommend that Items 20 thru 33 be approved in accordance with staff's recommendations.

Swedlund expressed his concerns with too much property being zoned General Commercial along Elk Vale Road due to the number of residences surrounding this parcel of land. Swedlund added that in his opinion it would be appropriate to rezone Item #29 from No Use District to Neighborhood Commercial District.

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Planning Commission discussed the access point, turning movements, traffic analysis, buffers between land uses and transitions and the Elk Vale Neighborhood Future Land Use Plan.

Staff noted that Item #32 is not a part of the Elk Vale Future Land Use area, but is actually a portion of SD Highway 79.

Swedlund made a substitute motion to recommend approval of Items 20 thru 33 in accordance with staff's recommendation with the exception of Item #29 and that Item #29 be denied without prejudice. The substitute motion died for lack of a second.

The vote on the motion carried to recommend that Items 20 thru 33 be approved in accordance with staff's recommendations. (7 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Wall and Wevik voting yes and Swedlund voting no)

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

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

Brian Utzman, attorney for CSU Properties, LLC, requested that the Planned Commercial Development - Initial and Final Development Plan be continued to the October 24, 2002 Planning Commission to allow the applicant time to negotiate with the adjacent property owner concerning the dedication of a utility easement for the sanitary sewer.

Swedlund moved and Stone seconded to recommend that the Planned Commercial Development – Initial and Final Development Plan be continued to the October 24, 2002 Planning Commission meeting.

Utzman questioned if CSU Properties, LLC was the first business that has been required to provide a noise study.

Elkins explained that several businesses such as the Black Hills Surgery Center and University Physicians have been required to submit decibel information at specific distances and elevations.

In response to a question by Wevik, Seaman advised that CSU Properties, LLC had submitted decibel readings but did not submit the associated elevation information.

The Planning Commission discussed the location of the electrical systems, screening options, noise complaints from neighbors and the process for conducting noise studies.

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In response to a question by Wall, Utzman stated that his client would make every effort to complete the noise study and submit the additional required information within two weeks.

The vote on the motion unanimously carried to recommend that the Planned Commercial Development – Initial and Final Development Plan be continued to the October 24, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Utzman requested that the Non-Hearing Consent agenda be reconsidered and that Item #6 be removed for separate consideration.

Stone moved, Hoffmann seconded and unanimously carried to reconsider the Non-Hearing Consent Agenda. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Wall moved, Hoffmann seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 17 in accordance with the staff recommendations with the exception of Item #6. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

6. No. 02PL051 - Profession Plaza Subdivision

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 at the southeast corner of the intersection of 5th Street and North Street.

Utzman requested that the Preliminary and Final Plat be continued to the October 24, 2002 Planning Commission to be heard in conjunction with the associated Planned Commercial Development – Initial and Final Development Plan.

Wall moved, Hoffman seconded and unanimously carried to recommend that Preliminary and Final Plat be continued to the October 24, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

41. No. 01UR042 - Section 23, T1N, R7E

A request by the City of Rapid City to consider an application for a **Revocation of a Conditional Use Permit to allow a Communication Tower in Public District** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

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Elkins reviewed the Revocation of the Conditional Use Permit to allow a Communication Tower in a Public Zoning District and the issues involved with the white strobe lights. Elkins stated that staff is recommending that the Revocation of a Conditional Use Permit to allow a Communication Tower in a Public Zoning District be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to submit the revised permit to the Federal Aviation Agency. She also explained that it would take approximately 30-60 days to obtain approval of a revised proposal that needs to be submitted to the Federal Aviation Agency. She added that this revised proposal would allow the applicant to paint the tower and to utilize red strobe lights during the evening; this would eliminate the need to utilize white strobe lights on the tower.

The Planning Commission discussed corporate responsibility and their lack of responsiveness, Federal Aviation Agency requirements, neighborhood complaints regarding the white strobe lights during the day, and painting the tower.

In response to a question by Wall, Mark Kren, M&K Consulting, stated that there are plans to use the upper portion of the tower in the near future. Kren explained that several microwave dishes would be placed on the top of the tower that will link to a switch in Sioux Falls.

Wall moved, Hoffman seconded and unanimously carried to recommend that the Revocation of a Conditional Use Permit to allow a Communication Tower in a Public Zoning District be continued to the November 7, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

42. 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.

Elkins stated that the applicant has requested that the **11-6-19 SDCL Review to allow for the construction of a public building and related improvements be continued to the October 24, 2002 Planning Commission meeting to allow time for the applicant's consultant to submit revised drainage plans.**

Wall moved, Stone seconded and carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements be continued to the October 24, 2002 Planning Commission meeting. (7 to 1 with Fast Wolf, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and Hoffmann voting no)

43. Discussion Items

A. Smart Growth Audit Request for Proposal

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Elkins reviewed the draft Request for Proposals for a Smart Growth Audit.

Discussion followed concerning the Smart Growth Committee and the need to encourage smart growth in the future for Rapid City.

Stone moved, Mashek seconded and unanimously carried to recommend authorizing staff to advertise a Request for Proposals for a Smart Growth Audit. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

B. Shopping Center Development Review Options

Elkins reviewed the four options that Anderson outlined in her memorandum concerning Shopping Center zoning districts.

Hoffman moved, Swedlund seconded and unanimously carried to recommend that staff pursue Option #2 and to advertise for a public hearing to substitute the Planned Development requirements for the existing administrative review procedures in the Shopping Center Zoning Districts and to allow Planned Developments in both of the Shopping Center Zoning Districts. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

C. Plat Notification Procedures

The Planning Commission discussed the need to consider an Ordinance amending Chapter 16.20 of the Rapid City Municipal Code by adding a new section to provide for notification of surrounding property owners for plat requests.

Wevik stated that in his opinion the platting process is already structured and did not see a need to amend the process.

Hoffman suggested that a committee be established to review the platting and notification process.

Elkins stated that staff could assist the Planning Commission in establishing a committee comprised of two Planning Commission members, two City Council members and two members from the development community.

Hoffmann moved, Prairie Chicken seconded and unanimously carried to recommend that staff assist the Planning Commission in establishing a committee to review the platting and notification process. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

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

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Elkins outlined three options available to the Planning Commission regarding fees, timetables and notification procedures for Comprehensive Plan Amendments.

Swedlund stated that he supports adopting the Rezoning fees, timetables and notification procedures for Comprehensive Plan Amendments.

Swedlund moved and Mashek seconded to recommend that staff advertise for a public hearing for an Ordinance Amendment outlining fees, timetables and notification procedures for Comprehensive Plan Amendments.

Discussion followed concerning large Comprehensive Plan Amendments, Special Planning Commission meetings and neighborhood meetings.

Swedlund stated that in his opinion the Planning Commission meets at an inconvenient time and that the Planning Commission needs to meet out in the public and with the neighbors more often.

The vote on the motion unanimously carried to recommend that staff advertise for a public hearing for an Ordinance Amendment outlining fees, timetables and notification procedures for Comprehensive Plan Amendments. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

44. Staff Items

A. Tour of recently constructed projects:

Elkins asked if the Planning Commission would be interested in scheduling a tour of recently constructed projects.

The Planning Commission concurred that a tour of recently constructed projects was a good idea and directed staff to schedule the tour. Rodriquez also requested that interested City Council members be included.

Thomas Estes requested that the Planning Commission reconsider the Non-Hearing Consent Agenda as he would like Item #12 removed for separate consideration

Hoffman moved, Wall seconded and unanimously carried to reconsider the Non-Hearing Consent Agenda. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Hoffman moved, Stone seconded and to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Item #12. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

12. No. 02PL094 - Estes Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Estes to consider an application for a **Layout Plat** on Lot 2R and Lot 4R2 of Estes Subdivision; located in the

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W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2, Lot 4 Revised, and unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 2.3 miles south of Reptile Gardens on Aero Road.

Thomas Estes, applicant, stated that he was concerned with the stipulations attached to the Layout Plat.

Discussion followed concerning the water plan.

In response to a question by Hoffmann, Estes stated that he would not be opposed to a continuance in order to allow him to review the stipulations with staff and the Engineering Division.

Hoffman moved, Stone seconded and unanimously carried to recommend that the Layout Plat be continued to the October 24, 2002 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no

45. Planning Commission Items

A. Annexation of the Area South of Catron Boulevard

Discussion followed concerning annexation priorities and the area south of Catron Boulevard.

Swedlund moved, Hoffmann seconded and carried unanimously to recommend proceeding with the annexation of any un-annexed property lying directly south of Catron Boulevard between South U.S. Highway 16 and South S.D. Highway 79 (Cambell Street). The Commission recommended that the City request voluntary annexation; however, if not successful, that the City proceed with an involuntary annexation. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes and none voting no

There being no further business, Stone moved, Hoffmann seconded and unanimously carried to adjourn the meeting at 8:53 a.m.