



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 21, 2002

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Paul Swedlund, Bob Wall, and Stuart Wevik. Martha Rodriguez, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jeff Marino, Lisa Seaman, Tom Kurtenbach, Karen Bulman, Bill Knight, Dave Johnson, Randy Nelson, Dave LaFrance, Adam Altman 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 removed Items 3, 11, 12 from the Non-Hearing Consent Agenda for separate consideration. A member of the audience removed Item #6 from the Non-Hearing Consent Agenda for separate consideration.

Hoffmann moved, Schmidt seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 26 in accordance with the staff recommendations with the exception of 3, 6, 11, and 12. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

1. Approval of the November 7, 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 December 5, 2002 Planning Commission meeting to obtain additional signatures on the petition.

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.

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

5. 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 continued to the December 5, 2002 Planning Commission meeting to allow the applicant time to submit the required additional information.

7. 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 December 5, 2002 Planning Commission meeting to allow the applicant time to submit additional information.

8. 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 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 December 5, 2002 Planning Commission meeting to allow the applicant to submit revised and/or additional information.



9. No. 02PL105 - Woodridge Subdivision

A request by Doug Sperlich for All Around Construction Inc. to consider an application for a **Layout, Preliminary and Final Plat** on Lots A, B, and C of Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Woodridge Drive east of Crestridge Drive.

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

Engineering Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall review the red line drawings and submit revised plans, as necessary, for review and approval;**

Fire Department Recommendations:

2. **Prior to Final Plat approval by the City Council, a note shall be placed on the plat stating, "If driveway or street grades exceed 16 percent, then fire sprinklers shall be required for all residences";**

Urban Planning Division Recommendations:

3. **Prior to Final Plat approval by the City Council, sidewalks shall be installed as specified in Section 16.20.040 of the Rapid City Municipal Code, or a Subdivision Regulations Variance shall be obtained;**
4. **Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,**
5. **Prior to Final Plat approval by the City Council, surety for the uncompleted improvements shall be posted and the subdivision inspection fees shall be paid.**

10. No. 02PL113 - Section 22, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 4 of Block 1; Lots 1 thru 6 of Block 2; Lots 1 thru 3 of Block 3; Lots 1 thru 7 of Block 4; Lots 1 thru 3 of Block 5, Lots 1 thru 5 of Block 6 and Outlot A; located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2; and the unplatted balance the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Layout Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant to submit additional information.



13. No. 02PL116 - Big Sky Business Park

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4 and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant to submit additional information.

14. 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.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a building and related improvements be continued to the December 5, 2002 Planning Commission meeting to allow staff sufficient time to review recently submitted information.

15. 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, 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 denied without prejudice at the applicant's request.

16. No. 02SR024 - Original Township of Rapid City

A request by Ray Summers for the Museum Alliance of Rapid City, Inc. to consider an application for an **11-6-19 SDCL Review of a public use in a public place** on Lots 1 thru 32, Block 8; Lots 1 thru 32, Block 18; Lots 1 thru 16, Block 28; the vacated alley of Block 28 and the west 1/2 of Tract 23; all located in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 New York Street.

Planning Commission recommended that the 11-6-19 SDCL review of a public use



in a public place be approved with the following stipulations:

Fire Department Recommendations:

1. The applicant shall provide signs stating the occupant load in any room that is shall accommodate over fifty (50) people;
2. The applicant shall verify that each room shall have a minimum of two (2) exits;
3. The applicant shall maintain the fire alarm and fire sprinkler systems in a fully operational condition at all times;

Urban Planning Division Recommendations:

4. All changes to the Journey Museum shall comply with the City of Rapid City Municipal Code;
5. Any future changes in use or structural changes on the property shall be reviewed and approved as a subsequent 11-6-19 South Dakota Codified Law Review; and
6. No video lottery shall be allowed on the premises at any time.

17. No. 02SR025 - Pfisterer Subdivision

A request by Rick Deer for Action Communications to consider an application for an **11-6-19 SDCL Review to allow a public communication tower** on Tract A of Pfisterer Subdivision, Section 2, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8875 Schroeder Road.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a communication tower be approved with the following stipulations:

Urban Planning Division Recommendations:

1. A site plan showing the location of the parking areas shall be submitted prior to Planning Commission for review and approval;
2. The applicant shall provide a site plan showing all access points to the proposed structure for review and approval prior to Planning Commission approval;
3. The applicant shall submit a site plan showing the location of all accessory structures for review and approval prior to Planning Commission approval; and
4. That an anti-climbing guard be erected at the base of the tower.

18. No. 02VE015 - Copper Oaks #3 Subdivision

A request by Doug Sperlich for Mark and Christie Ingalls to consider an application for a **Vacation of a portion of an Access Restriction** on Lot 6 of Block 3 of Copper Oaks #3 Subdivision, located in the NE1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Wild Turkey on Wilderness Canyon Road.

Planning Commission recommend that the Vacation of a portion of an Access Restriction be denied.



19. No. 02VE016 - Skyview North Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 1 through 11 of Block 2, Skyview North Subdivision located in the NE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2000 block of Harney Drive.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

20. No. 02VE017 - Skyline Pines Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 1 thru 7 of Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4 and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2600 to 3300 block of Skyline Drive.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

21. No. 02VE018 - Skyview North Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 1 thru 11 of Block 1, Skyview North Subdivision, located in the E1/2 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Aster Court along Minnewasta Drive.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

22. No. 02VE019 - Skyline Pines Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 3R, 4R and 5R of Block 2, Skyline Pine Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 1600 block of Pevans Parkway.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”



23. No. 02VE020 - Skyline Pines Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 12R, 13R, 14R, and 15R of Block 3, Skyline Pines Subdivision located in the SW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 1400 block of Pevans Parkway.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

24. No. 02VE021 - Skyview South Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 1 thru 10, Block 1 of Skyview South Subdivision located in the SE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2100 block of Huntington Place.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

25. No. 02VE022 - Skyline Pines Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Tract C Revised of SW1/4 of Section 11, Skyline Drive Right-of-Way, and Block 1 of Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Skyline Drive and Pevans Parkway.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”

26. No. 02VE023 - Skyline Pines Subdivision

A request by Doug Sperlich for Wyss Associates, Inc. to consider an application for a **Vacation of Note on Plat** on Lots 1 thru 10 of Block 2, Lots 1 thru 14 of Block 3, and Lot 1 of Block 4, Skyline Pines Subdivision, located in the SW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Lampert Court and Pevans Parkway.

Planning Commission recommended approval of a “Resolution of Modification of Note on Plat” to read, “Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department.”



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

3. No. 02PL006 - Springbrook Acres Addition

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

Elkins advised that the applicant has requested that the Preliminary and Final Plat be continued to the January 9, 2003 Planning Commission meeting.

Hoffman moved, Stone seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the January 9, 2003 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

6. 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.

Hani Shafi, Dream Design International, stated that his client has reviewed staff's recommendation and expressed concerns with stipulation #2. Shafi explained that stipulation #2 requires the extension of a water main to connect to the existing water main in Elm Avenue to create a loop. He further added that the applicant has been attempting to resolve right-of-way issues with the City and three neighboring property owners involved with the Elm Street project. Shafi requested that the Planning Commission approve the Preliminary and Final Plat per staff's recommendations with the exception of stipulation #2.

Bill Knight, Rapid City Fire Department, stated that he met with the applicant and his agent recently and discussed the required fire flow. Knight explained that the minimum fire flow is 1,000 gallons per minute at 20 psi. Knight added that at this time the applicant's engineer was unable to show that the development would meet the minimum required fire flows.

Shafi stated that his client is not disputing the requirement or need to complete the loop



but felt that the water main should not be constructed until Fieldview Street is constructed to the west of Elm Avenue. Shafi explained that the current water flow is within 10% to 12% of what is needed and requested that the Planning Commission not delay the Preliminary and Final Plat.

Discussion followed concerning timetables and construction of the water main and road.

Schmidt asked Shafi when he thought he would be able to comply with stipulation #2. Shafi explained that he met with the neighboring property owners yesterday and that they have a verbal agreement to proceed with the design work for Elm Street. Shafi added that he expects the design work to be completed within the next 90 days. Shafi asked that the Planning Commission approve the Preliminary and Final Plat with the stipulation that within 12 months of Final Plat approval the owner will construct the water main and the Elm Street loop.

Elkins reviewed the revised plat and pointed out that the Preliminary and Final Plat are for the lots on the east side of the property. Elkins stated that from a Fire Code perspective the applicant is not meeting the minimum requirements and requested that the Planning Commission follow the Fire Department's recommendations.

Schmidt stated that due to the number of house in the area he would not support waiving stipulation #2.

Lengthy discussion followed concerning Phase I, Phase II, right-of-way issues, reservoirs, supply sources, fire flows, pressure loses, alignment of the water main and minimum Fire Code requirements.

Hoffmann moved and Miceklson seconded to recommend that the Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the plat shall be revised to include major drainage easements along the north and south side of the property to accommodate the proposed drainage improvements;
2. Prior to Preliminary Plat approval by the City Council, the design plans shall be revised to show the extension of water main to connect to the existing water main in Elm Avenue;
3. Prior to Final Plat approval by the City Council, utility easements for the off-site water main improvements shall be filed with the Pennington County Register of Deeds;
4. Prior to Preliminary Plat approval by the City Council, the design plans shall be revised in accordance with the redline comments;

Fire Department Recommendations:

5. That all requirements of the Uniform Fire Code shall be continually met;
6. Prior to the start of any building construction, fire hydrants shall be installed and operational;
7. Prior to the start of any building construction, all weather access roads shall be constructed to the building sites;
8. Prior to the start of any building construction, street signs shall be posted.



The street signs may be constructed of temporary material initially. Prior to issuance of a Certificate of Occupancy, permanent street signs shall be posted;

9. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background;

Air Quality Division Recommendations:

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

Emergency Services Communications Center Recommendations:

11. Prior to Final Plat approval by the City Council, the plat shall be revised to change the road name "Saratoga Drive" to a road name approved by the Emergency Services Communications Center;

Pennington County Register of Deeds Recommendation:

12. Prior to Final Plat approval by the City Council, the applicant shall revise the plat to identify the name of the subdivision as "The Meadows Subdivision":

Urban Planning Division Recommendations:

13. Prior to Preliminary Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid;
14. Prior to Final Plat approval by the City Council, the subdivision inspection fees shall be paid; and,
15. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

Shafi requested that stipulation #2 be revised to allow six months after Final Plat approval to construct the water main. Shafi expressed concern with the City's consistency in their approval of Final Plats and referred to the fire flows in the Industrial Park not being adequate.

Swedlund made a substitute motion to recommend that the Preliminary and Final Plat be approved per staff's recommendation with stipulation #2 amended to allow 6 months for construction. The motion was seconded by Wall.

Discussion followed.

Elkins stated that she recently toured Rapid City with Fire Chief Gary Shepherd. She explained that the Fire Chief expressed his concerns with allowing further development and plats to be approved without having adequate water pressure. She further added that the Fire Department will not support those kinds of actions that waive or delay the improvements because of the concerns with water pressure and fire protection. Elkins stated that the Fire Department has indicated that they will not issue any building permits for those lots until such time as the water line is in place. She explained that no combustible materials will be allowed on those sites until the water line is in place. Elkins stated that this is a significant issue for the community in making sure that the minimum requirements are being met and that there is adequate water to fight a fire. She asked that the Planning Commission defeat the motion on the floor and stand by the requirements presented by the Fire Department.



Discussion followed concerning bonding for the improvements and obtaining building permits.

Shafi requested that the Preliminary and Final Plat be continued to the December 5, 2002 Planning Commission meeting to allow time for the Fire Department to conduct a pumper test during the peak hour of demand. Shafi stated that in his opinion he is certain that the test will show that the water flow exceeds the minimum 1,000 gallons per minute.

Swedlund amended the substitute motion to recommend that the Preliminary and Final Plat be approved per staff's recommendation with stipulation #2 amended that if the water main is not constructed within six months after Final Plat approval, the applicant shall post bond for the improvements.

Wall withdrew his second on the substitute motion. The substitute motion died for lack of a second.

Discussion followed concerning bonding and subdivision variances.

Hoffman called the question. There was no objection to calling the question.

The vote on the original carried to recommend approval of the Preliminary and Final Plat with the following stipulations:

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the plat shall be revised to include major drainage easements along the north and south side of the property to accommodate the proposed drainage improvements;**
2. **Prior to Preliminary Plat approval by the City Council, the design plans shall be revised to show the extension of water main to connect to the existing water main in Elm Avenue;**
3. **Prior to Final Plat approval by the City Council, utility easements for the off-site water main improvements shall be filed with the Pennington County Register of Deeds;**
4. **Prior to Preliminary Plat approval by the City Council, the design plans shall be revised in accordance with the redline comments;**

Fire Department Recommendations:

5. **That all requirements of the Uniform Fire Code shall be continually met;**
6. **Prior to the start of any building construction, fire hydrants shall be installed and operational;**
7. **Prior to the start of any building construction, all weather access roads shall be constructed to the building sites;**
8. **Prior to the start of any building construction, street signs shall be posted. The street signs may be constructed of temporary material initially. Prior to issuance of a Certificate of Occupancy, permanent street signs shall be posted;**
9. **Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of seven inches in height**



and displayed on a contrasting background;

Air Quality Division Recommendations:

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

Emergency Services Communications Center Recommendations:

11. **Prior to Final Plat approval by the City Council, the plat shall be revised to change the road name "Saratoga Drive" to a road name approved by the Emergency Services Communications Center;**

Pennington County Register of Deeds Recommendation:

12. **Prior to Final Plat approval by the City Council, the applicant shall revise the plat to identify the name of the subdivision as "The Meadows Subdivision":**

Urban Planning Division Recommendations:

13. **Prior to Preliminary Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid;**
14. **Prior to Final Plat approval by the City Council, the subdivision inspection fees shall be paid; and,**
15. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted. (8 to 1 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and Swedlund voting no)**

11. **No. 02PL114 - Red Rock Estates**

A request by Dream Design International Inc. to consider an application for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Elkins advised that the applicant has requested that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting.

Hoffmann moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

12. **No. 02PL115 - Flannery Subdivision No. 2**

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast



of the intersection of Ireland Place and Dublin Court.

Elkins advised that the applicant has not met one stipulation and requested that the Preliminary and Final Plat be continued to the December 5, 2002 Planning Commission meeting to allow the applicant time to resolve the right-of-way issues.

Hoffmann moved, Stone seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the December 5, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

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

Staff requested that Items 36, 41, 46, 47, 48, 50 and 54 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item #38 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Item #53 be removed from the Hearing Consent Agenda for separate consideration.

Hoffman moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 27 thru 54 in accordance with the staff recommendations with the exception of Items 36, 38, 41, 46, 47, 48, 50, 53, 54. (8-0-1 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, and Wevik voting yes, none voting no and Wall abstaining)

---HEARING ITEMS CONSENT CALENDAR---

27. No. 02CA046 - Feigels West Addition
Comprehensive Plan Amendment - **Summary of Adoption Action** - by revising the North Rapid Neighborhood Future Land Use Plan to change the future land use designation on a 2.5 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on property described by metes and bounds as beginning at the northwest corner of Lot A of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N01°37'47"W a distance of 74.05 feet to the Point of Beginning; thence N01°37'47"W along the east right-of-way line of Lacrosse Street a distance of 679.45 feet to the northwest corner of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N88°47'13"E a distance of 151.73 feet along the south right-of-way line of East New York Street; thence S01°37'47"E a distance of 169.28 feet; thence S00°23'33"W a distance of 146.31 feet; thence S17°10'22"E a distance of 215.61 feet; thence S02°24'02"W a distance of 31.68 feet; thence S48°03'13"W a distance of 164.79 feet; thence S75°54'41"W a distance of 78.31 feet to the Point of Beginning, more generally described as being located along the east side of Lacrosse Street between E. New York Street and the extension of East St. Louis Street.



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

28. No. 02CA058 - Section 14, T1N, R7E

A request by Pine Lawn Memorial Park, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation on a 0.88 acre parcel from Park Forest to General Commercial** on Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E²SW⁴14-1-7 and less Lot H1-Lot B SW⁴14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4301 Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation on a 0.88 acre parcel from Park Forest to General Commercial be approved.

29. No. 02RZ067 - Section 14, T1N, R7E

A request by Pine Lawn Memorial Park, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E²SW⁴14-1-7 and less Lot H1-Lot B SW⁴14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4301 Tower Road.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the corresponding Comprehensive Plan Amendment.

30. No. 02CA059 - Section 3, T1N, R8E

A request by Dream Design International, Inc to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.163 acre parcel from Office Commercial to General Commercial** on a parcel of land located in the NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being more particularly described by metes and bounds as beginning at the northwest corner of the E1/2 SW1/4 NW1/4 of said Section 3; thence N00°07'25"W, 975.94 feet; thence N89°54'07"E, 231.27 feet; thence S00°01'25"E, 976.23 feet; thence S89°58'35"W, 229.57 feet to the Point of Beginning, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.163 acre parcel from Office Commercial to General Commercial be denied without prejudice to allow the item to be properly advertised.

31. No. 02CA060 - Section 3, T1N, R8E

A request by Dream Design International, Inc to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 24.9 acre parcel of land from Low Density Residential to Medium Density Residential with a**



Planned Development Designation on that portion of the south 480 feet of the east 948 feet of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 136.66 feet of the east 409.42 feet of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the north 136.66 feet of the west 161.10 feet of the SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 24.9 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation be approved.

**32. No. 02PD066 - Section 3, T1N, R8E

A request by Dream Design International, Inc to consider an application for a **Planned Development Designation** on that portion of the south 480 feet of the east 948 feet of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the 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.

33. No. 02RZ069 - Section 3, T1N, R8E

A request by Dream Design International, Inc to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on that portion of the south 480 feet of the east 948 feet of the SE1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the



associated Planned Development Designation.

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

A request by the City of Rapid City to consider an application for a **Revocation of a portion of a Planned Development Designation** on the west 230 feet of the SE1/4 NW1/4 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 revocation of a portion of Planned Development Designation be continued to the December 5, 2002 Planning Commission meeting to coincide with the associated Rezoning and the Comprehensive Plan Amendment.

****35. No. 02PD067 - Section 3, T1N, R8E**

A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on the west 230 feet of the SE1/4 of the NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Planning Commission recommended that the Planned Development Designation be continued to the December 5, 2002 Planning Commission meeting to coincide with the associated Rezoning and Comprehensive Plan Amendment.

37. No. 02CA061 - Section 5, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a .17 acre parcel of land from Residential to Heavy Industrial** the east half of Sedivy Lane lying in the SE1/4 of Section 5 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 Amendment to the Comprehensive Plan to change the future land use designation on a .17 acre parcel of land from Residential to Heavy Industrial be approved.

39. No. 02CA062 - Section 5, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a .67 acre parcel of land from Residential to General Commercial** on the north 33 feet of the E. St. Andrew Street right-of-way lying south of Lot I and Lot J of Tract A of Schlottman Addition located in the SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the south 33 feet of the E. St. Andrew Street right-of-way lying north of Lots 1 and 2 of Lot S of Tract A of Schlottman Addition and lying north of Lot T of Tract A of Schlottman Addition in the SE1/4 of 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, more generally described as being located north of E. St. Patrick Street



and south of SD Highway 44.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a .67 acre parcel of land from Residential to General Commercial be denied without prejudice.

40. No. 02CA063 - Section 5, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.5546 acre parcel of land from Residential to Light Industrial** on the E. St. Charles Street right-of-way lying north of Lots A, C, D, E, F, G & H of Tract A of the Schlottman Addition of the SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the south 33 feet of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lot P of Tract A of Schlottman Addition; the 66 foot E. St. Andrew Street right-of-way lying north of Lots Q and R of Tract A of Schlottman Addition; and the north 33 feet of the E. St. Andrew Street right-of-way lying south of Lots M and N of Tract A of Schlottman Addition, all located in 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, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.5546 acre parcel of land from Residential to Light Industrial be denied without prejudice.

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

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

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be continued to the December 5, 2002 Planning Commission meeting to allow the applicant time to submit the required information regarding the noise generated by the air handling units and a parking lot lighting plan.

**43. No. 02PD059 - Cleary Subdivision

A request by Dave Fisk for Black Hills Equestrian Center to consider an application for a **Planned Unit Development - Final Development Plan** on Lots A thru C of Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately one half mile east of the intersection of U.S. Highway 16 and U.S. Highway 16 B.

Planning Commission recommended that the Final Planned Unit Development be continued to the December 5, 2002 Planning Commission meeting to allow the



applicant to submit additional information.

****44. No. 02PD061 - Rehder Tract**

A request by Steven Jones for Beverly Healthcare Center to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2 of Lot X of Rehder Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 916 Mountain View Road.

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

Urban Planning Division Recommendations:

- 1. The applicant shall submit a lighting and sign package prior to Planning Commission approval; and,**
- 2. The Planned Development is approved contingent on the corresponding Rezoning (02RZ063) being approved.**

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

45. No. 02RZ063 - Rehder Tract

A request by Steven Jones for Beverly Healthcare Center to consider an application for a **Rezoning from General Commercial District to Office Commercial District** on Lot 2 of Lot X of Rehder Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 916 Mountain View Road.

Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be approved.

****49. No. 02PD065 - Meridian Subdivision**

A request by HDI for RND Properties to consider an application for a **Major Amendment to a Planned Commercial Development to allow an expansion of an existing building** on Lots 2 and 3 of Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 N. Lacrosse Street.

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

Air Quality Division Recommendations:

- 1. An air quality permit will be required prior to any surface disturbance;**

Fire Department Recommendations:

- 2. The applicant shall provide a 13 Fire Sprinkler System tied into the existing Fire Sprinkler System, not a 13R Fire Sprinkler System;**
- 3. The fire alarm shall be connected to the proposed addition; in addition, the**



fire alarm shall be compatible with the existing system;

4. The proposed elevator shall be capable of Fire Department Emergency Control and be constructed to comply with all Uniform Fire Code requirements;

Building Inspection Division Recommendations:

5. The applicant shall obtain a building permit prior to any construction;
6. The applicant shall obtain a Certificate of Occupancy prior to occupancy of the proposed structure;

Urban Planning Division Recommendations:

7. The applicant shall submit a sign package prior to issuance of a building permit;
8. The applicant shall submit a lighting plan prior to issuance of a building permit;
9. Any changes to the site will require a major amendment to the Planned Commercial Development;
10. The architectural style of the building will be constructed as shown on the elevations submitted;
11. The applicant shall submit a site plan complying with the Landscaping Ordinance of the City of Rapid City Municipal Code prior to Planning Commission approval; and
12. All stipulations of the previous Planned Development shall be met at all times.

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.

****51. 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 approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Planning Commission approval, the site plan shall be revised eliminating one of the approaches off Seger Drive to the manager's office;
2. Prior to Planning Commission approval, the site plan shall be revised to show the "drainage easement" as a detention pond;

Fire Department Recommendation:

3. Addresses shall continue to be posted at the entrance to each row of mobile homes and on each mobile home space as required by Chapter 15.48.180 of the Municipal Code;



Williston Basin Gas Interstate Pipeline Company Recommendations:

4. Encroachments within the pipeline easement shall be limited to the four existing sheds currently located within the easement;
5. Modifications, changes, and/or enlargements to the four sheds shall not be allowed;
6. If any of the shed(s) are removed, replacement within the easement shall not be allowed;

South Dakota Department of Environment and Natural Resources Recommendation:

7. The on-site lagoons shall continually be properly operated and maintained. In addition, a minimum three feet of freeboard shall be maintained and any discharge from the ponds to surface waters of the State or nearby property(s) shall be prevented;

Ellsworth Air Force Base Recommendations:

8. Prior to Planning Commission approval, the site plan shall be revised to show the plan labeling revisions as red lined by Ellsworth Air Force Base;
9. The sewer lines currently encroaching into the Ellsworth Air Force Base Water Main Easement shall be encased, as required by the State of South Dakota Recommended Design Criteria, within one year of City Council approval of the Conditional Use Permit;

Urban Planning Division Recommendations:

10. A maximum of 138 mobile homes and a manager's office shall be allowed within the mobile home park;
11. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a minimum 20 feet separation between mobile homes shall be provided;
12. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a paved patio of at least two hundred square feet and a storage locker of at least one hundred cubic feet shall be provided for that lot;
13. One of the mobile homes currently located on Lot 2 shall be removed upon replacement of either mobile home;
14. Prior to any expansion of the mobile home park resulting in any additional units being accessed from the interior roadway, a second access road shall be provided;
15. Prior to any expansion of the mobile home park, the northern portion of the eastern interior access road and the interior driveway to the manager's office shall be paved;
16. The Conditional Use Permit shall be reviewed in one year from the date of approval to insure compliance with the stipulations of approval; and,
17. The Conditional Use Permit shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the property other than a mobile home park shall require a Major Amendment to the Conditional Use Permit.

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.

****52. No. 02UR029 - Enchanted Hills Subdivision**

A request by Paul and Carole Tonn to consider an application for a **Conditional Use Permit to allow a private residential garage/workshop in excess of 1500 square feet** on Lot 12 of Enchanted Hills Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1372 Panorama Circle.

Planning Commission recommended that the Conditional Use Permit to allow a private residential garage/workshop in excess of 1500 square feet be continued to the December 5, 2002 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

36. No. 02RZ068 - Section 3, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Elkins advised that the staff report attached to the agenda on the internet indicated a rezoning from No Use Zoning to Office Commercial. She explained that the correct recommendation is to continue the rezoning from Office Commercial District to General Commercial District to the December 5, 2002 Planning Commission meeting.

Stone moved, Hoffmann seconded and unanimously carried to recommend that the Rezoning from Office Commercial District to General Commercial District be continued to the December 5, 2002 Planning Commission meeting to coincide with the associated Comprehensive Plan Amendment and the Planned Development Designation. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

38. No. 02RZ070 - Section 5, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on the east half of Sedivy Lane lying in the SE1/4 of Section 5 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.

In response to a question by Prairie Chicken, Elkins clarified that the correct zoning is from No Use District to Heavy Industrial District.

Prairie Chicken moved, Hoffman seconded and unanimously carried to recommend that the Rezoning from No Use District to Heavy Industrial District be approved. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)



41. No. 02OA018 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to establish criteria, fees, timetables and notification procedures for Amendments to the Comprehensive Plan by adding a new section to Chapter 17.54 of the Rapid City Municipal Code.

Elkins advised that legal counsel has requested that the Ordinance Amendment be continued to the December 5, 2002 Planning Commission to allow time to prepare a draft ordinance.

Hoffman moved, Stone seconded and carried unanimously to recommend that the Ordinance Amendment to establish criteria, fees, timetables and notification procedures for Amendments to the Comprehensive Plan be continued to the December 5, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Elkins requested that Items 46, 47 and 48 be considered concurrently.

**46. No. 02PD063 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

47. No. 02RZ065 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the



arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

48. No. 02SV042 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning; legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Elkins advised that the applicant has requested that Items 46, 47 and 48 be continued to the December 19, 2002 Planning Commission meeting.



Stone moved, Hoffmann seconded and unanimously carried to recommend that the Planned Development Designation, Rezoning from General Agriculture District to Low Density Residential District and the Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter be continued to the December 19, 2002 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

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

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

In response to a question by Hoffman, Elkins explained that the applicant has requested that the Variance to the Subdivision Regulations be continued to the January 9, 2003 Planning Commission rather than the February 20, 2003 Planning Commission meeting.

Stone moved, Mickelson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the January 9, 2003 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no):

**53. No. 02UR030 - Original Town of Rapid City

A request by Mike Derby for Quincy Professional Trust to consider an application for a **Conditional Use Permit to allow professional offices in High Density Residential District** on Lot 26 and the west 19 feet of Lot 27 of the Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 914 Quincy Street.

Mike Derby explained that the property is located in the West Boulevard Historic District and expressed concerns with the size of the lot, location of the lot line, fire protection requirements and elimination of the windows on one side of the building.

Swedlund suggested that the Conditional Use Permit be continued to the December 5, 2002 Planning Commission meeting to allow the applicant time to have the application reviewed by the Historic Preservation Commission.

Discussion followed concerning a continuance and Historic Preservation Commission meeting dates.

Swedlund moved, Schmidt seconded and unanimously carried to recommend that the Conditional Use Permit to allow professional offices in High Density Residential District be continued to the December 5, 2002 Planning Commission



meeting with the stipulation that the Conditional Use Permit be reviewed by the Historic Preservation Commission. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

54. No. 02VR006 - Schnasse Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 225 East Watertown Street.

Elkins advised that the applicant has requested that the Vacation of Right-of-Way be continued to the December 19, 2002 Planning Commission meeting.

Hoffmann moved, Mickelson seconded and unanimously carried to the recommend that the Vacation of Right-of-Way be continued to the December 19, 2002 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that items 55 and 56 be considered concurrently.

55. 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.

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

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

Elkins advised that there are drainage basin plan issues that have not been resolved concerning the Layout Plat. She explained that staff is recommending that both the Layout Plat and the Special Exception to allow curbside sidewalks in lieu of property line sidewalks be denied at the applicant's request as outlined in the e-mail submitted by the consulting engineer.

Schmidt moved to recommended that the Layout Plat and the Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual be denied at the applicant's request. The motion died for lack of a second.



Hoffmann moved, Schmidt seconded and unanimously carried to recommend that the Layout Plat and the Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual be denied without prejudice at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Elkins requested that Items 57, 58 and 59 be considered concurrently.

57. No. 02CA057 - Minnesota Ridge Subdivision

A request by Wyss Associates Inc. for West Hills Village to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.3 acre parcel from Low Density Residential II District to Medium Density Residential District with a Planned Residential Development** on Tract B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of 5th Street and Anamaria Drive along Alta Vista Drive.

**58. No. 02PD064 - Minnesota Ridge Subdivision

A request by Wyss Associates Inc. for West Hills Village to consider an application for a **Planned Residential Development - Initial Development Plan** on Tract B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of 5th Street and Anamaria Drive along Alta Vista Drive.

59. No. 02RZ066 - Minnesota Ridge Subdivision

A request by Wyss Associates Inc. for West Hills Village to consider an application for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on Tract B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of 5th Street and Ana Maria Drive along Alta Vista Drive.

Elkins reviewed the slides and presented staff's recommendations for Items 57, 58 and 59.

Stone asked if the applicant was in agreement with the stipulations. Elkins stated that to her knowledge the staff has not received any comments or concerns from the applicant.

In response to a question by Mickelson, Elkins advised that the neighbors have been notified.

Eirik Heikes, Wyss Associates, advised that the applicant had also sent a letter to the neighbors outlining West Hill Villages' requests.

Hoffmann stated that in his opinion this is an appropriate change in zoning, a good transition and overall a good project.



In response to a question by Wall, Elkins explained that approval of the Planned Development Designation will provide protection to insure that the density of development is appropriate for the site.

In response to a question by Schmidt, Elkins advised that each townhouse will have its own driveway and garage.

Prairie Chicken stated that he is in support of this project.

Hoffmann moved, Stone seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.3 acre parcel from Low Density Residential II District to Medium Density Residential District with a Planned Residential Development be approved; that the Rezoning from Low Density Residential District II to Medium Density Residential District be approved in conjunction with the Comprehensive Plan Amendment; and, that the Initial Residential Development Plan be approved with the following stipulations:

Engineering Division Recommendations:

- 1. A Preliminary and Final Plat shall be reviewed and approved to create individual townhome lots prior to or in conjunction with approval of a Final Planned Residential Development;**
- 2. Upon Final Planned Residential Development submittal, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval;**
- 3. Upon Final Planned Residential Development submittal, a grading plan and geotechnical information shall be submitted for review and approval;**
- 4. Upon Final Planned Residential Development submittal, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that all requirements of the Rapid City Drainage Criteria Manual are being met. In addition, the drainage plan shall be coordinated with drainage from the Minnesota Ridge development located directly south of the subject property to insure that the proposed development complies with the South Robbinsdale Drainage Basin Plan;**
- 5. Upon Final Planned Residential Development submittal, the site plan shall be revised to provide a minimum 50 foot separation from the Alta Vista Drive/proposed cul-de-sac intersection and the driveway to the most northern townhome unit as required by the Street Design Criteria Manual;**
- 6. Upon Final Planned Residential Development submittal, design plans for the retaining wall(s) shall be submitted for review and approval. In particular the design plans shall demonstrate that the retaining wall located along Alta Vista Drive does not interfere with the sidewalk(s);**
- 7. Prior to Final Planned Residential Development and/or Preliminary and Final Plat review and approval, a Special Exception to the Street Design Criteria Manual allowing one street to serve as exclusive access to more than 40 dwelling units or a second access street to the proposed subject**



property shall be provided;

Fire Department Recommendations:

8. Prior to Final Planned Residential Development submittal, the applicant shall work with the Fire Department to insure that the proposed landscaping island located in the terminus of the proposed cul-de-sac allows fire apparatus access or the landscaping island shall be revised and/or eliminated as needed;
9. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
10. Prior to issuance of a building permit, all weather access road(s) shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
11. All residential structure(s) shall be sprinklered as required by the Uniform Fire Code;

Transportation Planning Division Recommendations:

12. Prior to Final Planned Residential Development submittal, the applicant shall demonstrate that the proposed landscaping island located in the terminus of the proposed cul-de-sac shall accommodate transit vehicles or the landscaping island shall be revised and/or eliminated as needed;

Air Quality Division Recommendations:

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

Building Inspection Division Recommendations:

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

Urban Planning Division Recommendations:

15. Upon Final Planned Residential Development submittal, a sign package shall be submitted for review and approval. In particular, the sign package shall demonstrate that the proposed signs to be located at the entrance of the subject property do not encroach into the site triangle;
16. Upon Final Planned Residential Development submittal, a lighting package shall be submitted for review and approval;
17. Upon Final Planned Residential Development submittal, a complete landscaping plan shall be submitted for review and approval. In particular, the landscaping plan shall demonstrate that the proposed trees to be located along Alta Vista Drive do not interfere with water and sewer lines;
18. Upon Final Planned Residential Development submittal, a revised site plan shall be submitted providing a minimum 18 foot front yard setback or any encroaching structure(s) shall be relocated and/or reduced to provide a minimum 18 foot front yard setback;
19. Upon Final Planned Residential Development submittal, elevations for the proposed retaining wall(s) shall be submitted for review and approval. In addition, the site plan shall be revised to clearly delineate the location of the proposed retaining wall(s);
20. Upon Final Planned Residential Development submittal, elevations for the proposed transit shelter shall be submitted for review and approval;
21. Upon Final Planned Residential Development submittal, a list of building materials for all structural development shall be submitted for review and



- approval;
22. **Prior to Final Planned Residential Development approval, the property shall be rezoned to Medium Density Residential District; and,**
 23. **All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Residential Development or the Final Planned Residential Development or a subsequent Major Amendment. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, 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.

Kurtenbach requested that Items 60 and 61 be considered concurrently.

60. No. 02PL102 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

61. No. 02VR005 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Kurtenbach advised that the applicant has requested that Items 60 and 61 be continued to the December 5, 2002 Planning Commission meeting to allow time to provide additional information and to acquire the needed signatures on the vacation of section line highway petition.

Hoffmann moved, Mickelson seconded and carried to recommend that the Final Plat and the Vacation of Right-of-Way be continued to the December 5, 2002 Planning Commission meeting to allow the applicant to provide additional information to acquire the needed signature(s). (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Swedlund, Wall and Wevik voting yes, none voting no and Stone abstaining)

**62. No. 02PD062 - Boulevard Addition

A request by Joel Schwiesow to consider an application for a **Planned Residential Development to allow a Day Care Center in High Density Residential District** on Lots 8 thru 12, Block 24, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City,



Pennington County, South Dakota, more generally described as being located at 1010 9th Street.

Schmidt advised that he would abstain from voting on Item #62.

Elkins advised that the applicant has requested that the Planned Residential Development to allow a Day Care Center in High Density Residential District be denied without prejudice.

Discussion followed concerning the issues related to the childcare center play areas, entryways, drop off locations, noise, parking and other neighborhood concerns.

Mickelson moved, Hoffmann seconded and carried to recommend that the Planned Residential Development to allow a Day Care Center in High Density Residential District be denied without prejudice. (8-0-1 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Stone, Swedlund, Wall and Wevik voting yes, none voting no and Schmidt abstaining)

63. No. 02SV043 - Woodridge Subdivision

A request by Doug Sperlich for All Around Construction Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks in front of Lots A, B and C** on Lots A, B, and C of Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Woodridge Drive east of Crestridge Drive.

Elkins reviewed staff's recommendation and the neighborhood concerns regarding sidewalks.

Hoffmann moved, Mickelson seconded and unanimously carried to recommend that the Variance to the Subdivision regulations to waive the requirement for sidewalks be denied. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Mickelson commended staff for their consistency in not waiving the requirements for sidewalks.

63A. No. 02SR027 - Section 36, T2N, R7E

A request by David Oyler for the Rapid City Club for Boys, Inc. to consider an application for an **11-6-19 SDCL Review to allow the temporary use of Christmas tree storage and processing accessory to Christmas tree sales on public property** on Lots RU-10 and the vacated 550 feet of Philadelphia Street, RU Lots, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 22, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 320 N. 4th Street.



Elkins apologized for the late application. She explained that the application was submitted last Thursday and Marino was willing to work over the weekend to make sure that the Boys Club could move forward with their Christmas tree sales.

Marino reviewed the slides, the location of the tree processing and storage and staff's recommendation. Marino noted that if the Planning Commission approves this application, they will be approving the application for subsequent years and that the Boys Club will only have to obtain a temporary use permit next year to conduct Christmas tree sales.

In response to a question by Wall, Elkins explained that after the lawsuit involving the Juvenile Detention Center, the City now has to go through a different process than has been previously used. Elkins explained that because this is public property the applicant has to go through an 11-6-19 SDCL Review.

Wall moved, Schmidt seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow the temporary use of Christmas tree storage and processing accessory to Christmas tree sales on public property be approved with the following stipulations:

Fire Department Recommendations:

1. No heating appliances or any open flame devices shall be permitted in or around the storage or processing areas for the trees. In addition, no heating appliances shall impede exiting from any area;
2. All Fire Department apparatus access shall be maintained at all times. No Fire Department appliances shall be blocked at any time (fire hydrants, fire sprinkler connections, fire lanes, etc.);
3. All required fire extinguishers shall be positioned as approved by the Fire Department. Water type extinguishers as well as 2A-10BC rated extinguishers are required;
4. All areas shall be kept clean of combustible debris (pine needles, paper, etc.) at all times. In addition, no such combustible materials shall be allowed to accumulate near entrances and exits of structures. Said debris shall be disposed of daily or stored in metal containers with tight fitting lids;
5. A responsible fire watch/safety person shall be on site during sales at all times. Said person shall have immediate access to a phone for emergency usage in case of fire, etc; and

Urban Planning Division Recommendations:

6. This 11-6-19 SDCL Review shall remain valid for subsequent temporary Christmas tree sales and accessory uses providing that the use is operated in accordance with the plan as submitted and approved. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

64. Discussion Items

- A. Suggested Rules of Procedures for Small Governing Boards - Adam Altman

Altman distributed suggested rules of procedures for small governing boards.



Altman explained that during one of the Planning Commission training sessions, he was asked to comment on possible alternatives to Roberts Rules of Order. Altman stated that Roberts Rules of Order are not necessarily the best rules to follow for small boards such as the Planning Commission and presented the alternatives for the Planning Commission to review.

Discussion followed concerning the proposal for rules to follow for small boards, procedural irregularities and documenting the rules for conducting meetings.

Hoffmann stated that in his opinion he was not interested in adopting another set of rules and suggested adopting Roberts Rules of Order and document the rules.

Mickelson stated that she would like additional time to review the alternate rules and compare them to Roberts Rules of Order.

In response to a question by Mickelson, Altman stated that Roberts Rules of Order are used by the City Council.

Mickelson stated that in her opinion the Planning Commission should follow the same rules that the City Council follows.

Swedlund concurred with Mickelson.

Wall moved, Stone seconded and unanimously carried to continue the discussion of Rules of Procedures for Small Governing Boards to the December 5, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

B. Review of Revised Conditional Use Permit and Planned Development Process

Elkins distributed a report reviewing the Conditional Use Permit and Planned Development Process. Elkins stated that since February 1, 2002, there have been 72 total applications for Conditional Use Permits and Planned Developments, 65 have been approved, one was denied without prejudice, one was denied without prejudice at the applicant's request and five were withdrawn. Elkins added that of these 72 applications only three were appealed to the City Council. She explained that of the three appealed to City Council, one appeal was withdrawn by the applicant, one is awaiting action by the City Council and on November 18 the City Council affirmed the Planning Commission's decision on the other item. Elkins stated that originally staff estimated that 95% of the applications the process would be 1 1/2 weeks but for those that were appealed it would extend the process an additional two weeks. Elkins stated that there are 4.2% of the applications that will take longer to process.

Elkins stated that she presented the same review to City Council yesterday and as a group, they are pleased with the outcome and supports the changes that were made in February, 2002.



Wevik stated that it appears the goals are being met in terms of expediting the process for a majority of the applications without creating a lot of repercussions.

Hoffmann concurred.

Discussion followed concerning the three appeals.

65. Staff Items
NONE

66. Planning Commission Items
A. Annexation - South of Catron Boulevard

In response to a question from Swedlund, Elkins advised that staff has contacted the applicant as instructed by the City Council. Elkins stated that the applicant is not agreeable to annexation until utilities are extended to the area and directed staff that any further discussions regarding annexation would have to go through his attorney. She added that this item will go before Legal and Finance next week to ask for direction and determine if staff should proceed with a forced annexation.

B. Plumbing in garages

Hoffmann asked why the applicant withdrew his application when he probably had the support of City Council. Elkins explained that the applicant wanted to obtain a building permit and did not want to wait for City Council approval.

Elkins stated that the City Council is reviewing adopting a resolution regarding allowing plumbing in garages. She added that there are issues related to gray water, oil and grease traps and interceptors.

C. Skyline Drive Update

Swedlund presented an update on the lawsuit between Bob Moore and Stan Adelstein. Swedlund explained that the judge ruled against Moore and that Adelstein's group does have the right to purchase the land. He added that he did not know if this lawsuit would be appealed.

D. Thank-you

Rodriquez thanked Planning Commission for the flowers, email, and get well wishes while she was in the hospital.

Wall moved, Hoffman seconded and unanimously carried to adjourn the meeting at 9:10a.m. (9 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)