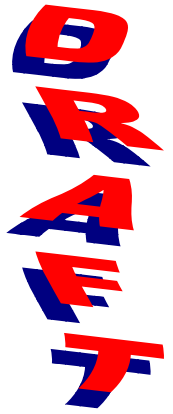


MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 19, 2002



MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, 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, Tim Behlings, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green and Nadine Bauer

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

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

Staff removed Items 3, 7, 8 from the Non-Hearing Consent Agenda for separate consideration. A member of the audience removed Item #17 from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Hoffmann seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17A in accordance with the staff recommendations with the exception of 3,7, 8 and 17. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

1. Approval of the December 5, 2002 Planning Commission Meeting Minutes.

Planning Commission approved the December 5, 2002 Planning Commission minutes.

- 1A. Request for Revisions to Minutes of November 21, 2002

Planning Commission approved the revisions to the November 21, 2002 Planning Commission minutes.

2. No. 02AN011 - Section 24, T1N, R7E

A request by Black Hills Corporation to consider an application for a **Petition for Annexation** on that portion of the NW1/4 SW1/4 lying south of highway right-of-way less Lot H1 and the SW1/4 SW1/4 less right-of-way, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard, east of SD Highway 16 and west of SD Highway 79.

Planning Commission recommended that the petition for annexation be



approved contingent on payment of any debt to the Whispering Pines Volunteer Fire District.

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 January 23, 2003 Planning Commission meeting

5. 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 approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, the design plans shall be revised in accordance with the red line comments;**
2. **Prior to Final Plat approval by the City Council, the applicant shall provide documentation of a sanitary sewer easement crossing Lot 6 of Grimm Addition for a sanitary sewer main serving Lot 3 of Grimm Addition;**
3. **Prior to Final Plat approval by the City Council, the plat shall be revised to include a non-access easement along the entire Creek Drive frontage and along the Viewfield Avenue frontage for a distance of 50 feet from the intersection of Creek Dive and Viewfield Avenue;**

Fire Department Recommendations:

4. **That all requirements of the Uniform Fire Code shall be continually met;**
5. **Prior to the start of any building construction, fire hydrants shall be installed and operational;**
6. **Prior to the start of any building construction, all weather access roads shall be constructed to the building sites. Dead-end access roads in excess of 150 feet in length shall include the provision of a cul-de-sac or turn-around area that complies with all requirements of the Uniform Fire Code and the Rapid City Street Design Criteria Manual;**
7. **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;

8. 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;
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;

Pennington County Register of Deeds Recommendation:

10. Prior to Final Plat approval by the City Council, the applicant shall revise the plat to include "in Grimm Addition" to the formerly statement;

Air Quality Division Recommendations:

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

Urban Planning Division Recommendations:

12. Prior to Preliminary Plat approval by the City Council, subdivision improvement estimates shall be provided for review and approval;
13. Prior to Final Plat approval by the City Council, the subdivision inspection fees shall be paid; and,
14. Prior to Final Plat approval by the City Council, the applicant shall post surety for the required improvements along the west 115 feet of Viewfield Avenue that have not been completed. For the balance of the Viewfield Avenue frontage subdivision improvements, the applicant shall either enter into an agreement with the City to pay now for the required improvements which the City will install at a later date or post a separate surety bond.

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

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

Planning Commission recommended that the Preliminary and Final Plat be continued to the February 6, 2003 Planning Commission meeting as requested by the applicant.

9. **No. 02PL100 - Laurel Heights Subdivision**

A request by Thomas A. Casey to consider an application for a **Layout Plat** on Revised Lot 5A and Revised Lot 23, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5A and Lot 23 less Lot A, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at



1249 Pine Cone Lane.

Planning Commission recommended that the Layout Plat be continued to the January 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.

10. No. 02PL113 - Stoney Creek South Subdivision

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; Stoney Creek South Subdivision, 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 January 23, 2003 Planning Commission meeting at the applicant's request.

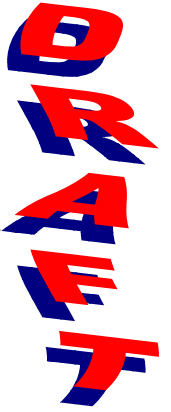
11. No. 02PL115 - Flannery Subdivision No. 2

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.

Planning Commission recommended that the Preliminary and Final Plat be continued to the January 9, 2003 Planning Commission meeting to allow the applicant time to acquire the needed signature(s) on the vacation of right of way petition.

12. 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, Rapid City, 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 January 9, 2003 Planning Commission meeting to allow the applicant to submit additional information.

13. No. 02PL119 - Five Star Subdivision

A request by Kevin Conway for Norman or Rod McKie to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Interstate 90.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be revised to show additional utility easements as needed;**
2. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;**
3. **Prior to Preliminary Plat approval by the City Council, traffic control plans for the abandonment of Howard Street shall be submitted for review and approval;**
4. **Prior to Final Plat approval by the City Council, the applicant shall sign an agreement stating that Disk Drive shall be constructed prior to a Certificate of Occupancy being issued;**
5. **Prior to Preliminary Plat approval by the City Council, construction plans showing the typical road design for the 50 foot wide access and utility easement shall be submitted for review and approval. In particular, the typical road design shall include curb, gutter, water, sewer, street light conduit, sidewalk(s) and pavement;**
6. **Prior to Preliminary Plat approval by the City Council, a drainage and grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
7. **Prior to Final Plat approval by the City Council, a non-access easement shall be shown along Disk Drive except for approved approach location(s) and along the south lot line;**

Fire Department Recommendation:

8. **The Uniform Fire Codes shall be continually met;**

Register of Deed's Office Recommendation:



9. **Prior to Final Plat approval by the City Council, the plat title shall be revised to include "...all of Lot M-1 of the S1/2 NW/14, and a portion of...";**

City Attorney's Office Recommendation:

10. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate the chain of title since 1958 for Howard Street in order to determine if any other property owner(s) have vested right(s) to Howard Street;**

Urban Planning Division Recommendations:

11. **Prior to Final Plat approval by the City Council, the City shall approve a resolution authorizing the Mayor and Finance Officer's signature(s) on the Infrastructure Development Partnership Fund loan for a portion of the Disk Drive improvements;**
12. **Prior to Final Plat approval by the City Council, the applicant shall sign a developer's agreement stipulating that the applicant pay their portion of the Disk Drive improvements. In addition, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
13. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval.**

14. **No. 02PL122 - Irene Estates Subdivision**

A request by Dennis Dressen to consider an application for a **Layout Plat** on Lot 2A and Lot 2B, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6015 Nameless Cave Road.

Planning Commission recommended that the Layout Plat be continued to the January 9, 2003 Planning Commission meeting to allow the applicant to submit additional information.

15. **No. 02PL123 - Tower Ridge #2 Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

Planning Commission recommended that the Preliminary Plat be continued to the January 23, 2003 Planning Commission meeting to allow the applicant to submit additional information.

16. **No. 02PL124 - Superpumper Addition**

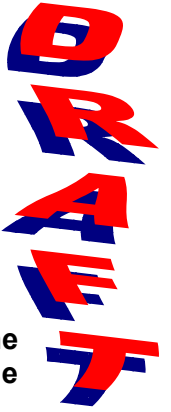


A request by DLK Engineering for DTJ, LLC to consider an application for a **Layout Plat** on Lot A and Lot B of Lot 2 of Superpumper Addition, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Superpumper Addition, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of the intersection of Cambell Street and East Fairmont Boulevard.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, geotechnical analysis for pavement design(s) shall be submitted for review and approval;
2. Upon Preliminary Plat submittal, a sediment and erosion control plan shall be submitted for review and approval;
3. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
4. Prior to Preliminary Plat approval, a National Pollutant Discharge Elimination System Permit shall be obtained in order to allow storm water discharge from the construction site;
5. Upon Preliminary Plat submittal, an electrical/private utility service plan shall be submitted for review and approval to insure that there are no conflicts with the drainage plan;
6. Upon Preliminary Plat submittal, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
7. Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
8. Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete design plans showing utilities, storm drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval;
9. Upon Preliminary Plat submittal, the plat document shall be revised to provide a road connection to the south. In particular, the road shall align with Craig Street located south of Fairmont Boulevard and meet geometric requirements as specified by the Street Design Criteria Manual;
10. Upon Preliminary Plat submittal, a wetland mitigation plan shall be submitted for review and approval. In addition, a 404 Permit shall be obtained from the United States Corp of Engineers prior to work and/or disturbance of any wetland(s) located on the property;
11. Upon Preliminary Plat submittal, a non-access easement shall be shown along the first 175 feet of East Oakland Street as it extends west from Cambell Street;



12. Prior to Final Plat approval by the City Council, the adjacent property owner shall sign the plat document for that portion of East Oakland Street to be located on the property or the right-of-way shall be dedicated as an H Lot;

Fire Department Recommendation:

13. Upon Preliminary Plat submittal, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

South Dakota Department of Transportation Recommendation:

14. Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the proposed approach location along Cambell Street;

Urban Planning Division Recommendations:

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

17A. No. 02VE025 - County Heights Subdivision

A request by Rick Harter to consider an application for a **Vacation of note on a plat** on Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4906 Butte Circle.

Planning Commission recommended that the vacation of the 25 foot setback not for that portion of the existing structural encroachment on Lot 19 of Block 4 of County Heights Subdivision as shown on Exhibit A be approved.

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

Fisher requested that Items 3 and 7 be considered concurrently.

3. No. 02PL029 - Murphy Ranch Estates

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

7. 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.

Fisher stated that staff recommended that Items 3 and 7 be continued to the January 9, 2003 Planning Commission contingent upon the applicant submitting the necessary information by December 13, 2002. She added that staff has not received the required information and recommends that Items 3 and 7 be continued to the January 23, 2003 Planning Commission meeting.

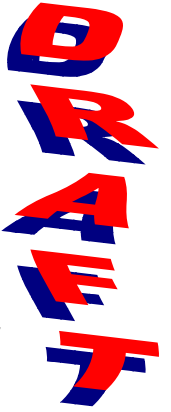
Wall moved, Mickelson seconded and unanimously carried to recommend that the Preliminary and Final Plat and the Layout, Preliminary and Final Plat be continued to the January 23, 2003 Planning Commission meeting to allow the applicant to submit revised and/or additional information. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

8. No. 02PL095 - Moon Ridge Subdivision

A request by Doug Sperlich for 16 Plus, LLC to consider an application for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

Fisher stated that the Staff Report recommends that the Preliminary and Final Plat be continued to the January 9, 2003 Planning Commission meeting contingent upon the applicant submitting the necessary information by December 13, 2002. She added that staff has not received the required information and thus are recommending that the Preliminary and Final Plat be continued to the January 23, 2003 Planning Commission meeting.

Hoffmann moved, Walls seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the January 23, 2003 meeting to allow the applicant to submit additional information. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)



17. No. 02SR028 - Fountain Springs Business Park

A request by Jerry Gyles for Golden West Technologies to consider an application for an **11-6-19 SDCL Review of a public utility in Light Industrial Zoning District** on Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 2727 North Plaza Drive.

Jerry Gyles for Golden West Technologies expressed concerns with the time delay, time constraints and connection failures to the KNBN tower.

Marino distributed a letter from Gyles dated December 16, 2002 to the Planning Commission for review. Elkins advised that the letter is vague and does not address issues concerning existing towers, co-location and rings of service for various facilities.

Gyles stated that he will provide the documentation and information prior to the January 23, 2003 Planning Commission meeting.

Hoffmann noted his strong support for the co-location of cellular facilities wherever possible. He supported the recommendation that the applicant provide detailed information relative to the co-location of facilities.

Discussion followed concerning delays and the short construction schedule.

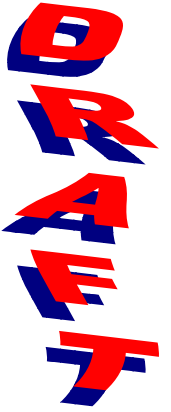
Hoffmann moved, Prairie Chicken seconded and unanimously carried to recommend that the 11-6-19 SDCL Review of a public utility in Light Industrial Zoning District be continued to the January 23, 2003 Planning Commission meeting. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

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 did not have any items to be removed from the Hearing Consent Agenda for separate consideration. Planning Commission did not have any items to be removed from the Hearing Consent Agenda. A member of the audience requested that Items 30 and 31 be removed from the Hearing Consent Agenda for separate consideration.

Stone moved, Hoffmann seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 thru 31 in accordance with the staff recommendations with the exception of Items 30 and 31. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)



18. No. 02CA057 - Minnesota Ridge Subdivision
Comprehensive Plan Amendment - **Summary of Adoption Action** - 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.

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

19. No. 02CA058 - Section 14, T1N, R7E
Comprehensive Plan Amendment - **Summary of Adoption Action** - 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 approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

20. No. 02CA060 - Section 3, T1N, R8E
Comprehensive Plan Amendment - **Summary of Adoption Action** 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 approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

21. No. 02CA061 - Section 5, T1N, R8E
Comprehensive Plan Amendment - **Summary of Adoption Action** 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.

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

- **22. No. 02PD025 - Original Town of Rapid City
A request by CSU Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in



Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of 5th Street and North Street.

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan be continued to the January 9, 2003 Planning Commission meeting.

23. 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 in 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 January 9, 2003 Planning Commission meeting.

**24. 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.

Planning Commission recommended that the Planned Development Designation be continued to the January 23, 2003 Planning Commission meeting at the applicant's request.

25. 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.

Planning Commission recommended that the Preliminary and Final Plat be continued to the January 23, 2003 Planning Commission meeting at the applicant's request.

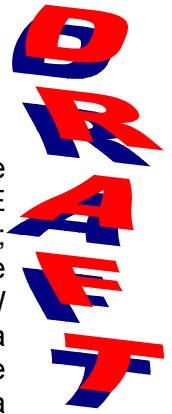
26. No. 02RZ065 - Red Rock Estates

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.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the January 23, 2003 Planning Commission meeting at the applicant's request.

27. 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;



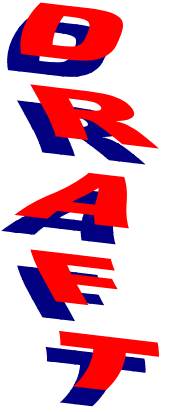
thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be continued to the January 23, 2003 Planning Commission meeting at the applicant's request.

28. No. 02SV048 - Ponderosa Ridge Estates

A request by Robert Looyenga to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct street and section line highway improvements as per Chapter 16.16 of the Subdivision Regulations** on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW/14 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6560 Sun Ridge Road and 1107 Wildlife Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, dry sewer, curb and gutter along Sun Ridge and Wild Life Road and to waive the requirement to install sidewalk, pavement, street light conduit, dry sewer, and curb and gutter in section line highway as required by Section 16.16 of the Rapid City Municipal Code be approved.



****29. No. 02UR031 - Wesleyan Christian Center**

A request by Lyle Henriksen for Wesleyan Health Care Center to consider an application for a **Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to a nursing home** on Tract B of Wesleyan Christian Center, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Wesleyan Boulevard.

Planning Commission recommended that the Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to a nursing home be continued to the January 9, 2003 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

30 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.

Hani Shafi, Dream Design International, Inc., requested that the Vacation of Right-of-Way be continued to the January 23, 2003 Planning Commission meeting to allow the applicant time to obtain the necessary signatures.

Elkins stated that staff accepted the application in error and that the application should not have been accepted without the petition. She explained that staff has discussed the process and that in the future staff will not accept any applications without the petition as required by state law.

Discussion followed concerning the number of continuances that the applicant has requested, costs and the difference between continuing an item repeatedly and denying the application without prejudice.

Elkins stated that staff has reviewed the application and has serious concerns regarding the vacation of right-of-way request and would not support the request due to the impact on the future street network.

In response to a question by Prairie Chicken, Shafi stated in his opinion he thought the applicant could obtain the required signatures in the next few days. He added that if the applicant could not get the required signatures by the January 23, 2003 Planning Commission meeting then he would support staff's recommendation to deny without prejudice.

Hoffmann moved and Mickelson seconded to recommend that the Vacation of right of way be denied without prejudice.

Swedlund stated that in his opinion he did not see a problem with continuing the Vacation of Right of Way to the January 23, 2003 Planning Commission meeting.

The vote on the motion carried to recommend that the Vacation of Right of



Way be denied without prejudice. (8 to 2 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and Stone and Swedlund voting no)

31. No. 02VR007 - Section 22, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Vacation of a portion of the section line right-of-way and retaining it as a utility easement** on Lot B of Lot 1 in the NE1/4, Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the west end of Fox Drive.

Hani Shafi, Dream Design International, Inc., requested that the vacation of a portion of the section line highway be continued to January 23, 2003 to allow him time to discuss staff's recommendation with the property owner.

Elkins stated that the area where the applicant is proposing to vacate the section line highway is shown on the Comprehensive Plan and the Major Street Plan as a future roadway. She added that staff accepted this application without a petition and is recommending that the application be denied.

Elkins reviewed the slides, the location of the proposed roadway and staff's recommendation.

Schmidt moved and Mickelson seconded to recommend that the vacation of section line highway be denied.

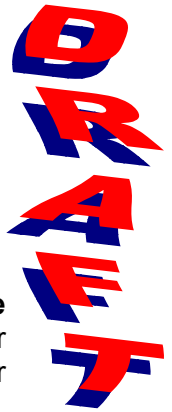
Shafi expressed his concerns with the Major Street Plan. Shafi asked that the Planning Commission visit the property and determine the constructability of a future major connector in this area.

Discussion followed concerning the location of the vacation of section line highway, rearage roads, continuity of the traffic network, Highway 16 frontage and the development of the corridor from Fairmont Boulevard south to Neck Yoke Road.

Swedlund asked if there were engineering obstacles that make construction of a road on the property impossible. Shafi stated that Fox Drive could connect with a collector road to the south but that in his opinion it would be impossible to construct the road as proposed in the Major Street Plan to the north of the property.

Elkins advised that the Future Land Use Committee has visited the proposed site and determined that it would be feasible to construct this road as identified in the Major Street Plan and the Comprehensive Plan. She encouraged Shafi to submit an amendment to the Major Street Plan and the Future Land Use Plan if he had a better alternate route for the subject property.

The vote on the motion carried. (7 to 3 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and Fast Wolf, Stone and Swedlund voting no)



---BEGINNING OF REGULAR AGENDA ITEMS---

32. 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.

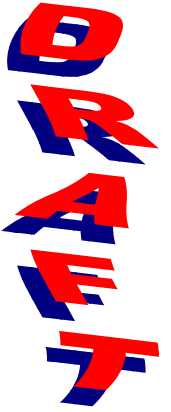
Elkins advised that Jason Green, Assistant City Attorney, reviewed the proposed revisions and determined that the revisions need to be made to Chapter 2 not Chapter 17.54. Elkins requested that the Ordinance Amendment be continued to January 9, 2003 Planning Commission so that staff can properly advertise the correct sections.

Wall moved, Hoffmann seconded and unanimously carried that the Ordinance Amendment to establish criteria, fees, timetables and notification procedures for Comprehensive Plan Amendments be continued to the January 9, 2003 Planning Commission meeting. (10 to 2 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

Fisher requested that items 33 thru 36 be considered concurrently.

33. No. 02CA053 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for an **Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office Commercial with a Planned Commercial Development** on a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta



angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located along Anamaria Drive west of 5th Street.

**34. No. 02PD056 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Major Amendment to a Planned Commercial Development to increase the boundaries and expand the existing building and parking area** on Lot 1R of Block 28 of Robbinsdale Addition No. 10; Lot 32 of Block 18 of Robbinsdale Addition No. 10; and a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located west of the intersection of Anamaria Drive and 5th Street.

35. No. 02PL107 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of 5th Street along Anamaria Drive.

36. No. 02RZ062 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on a portion of Lot 33 of Block 18 of



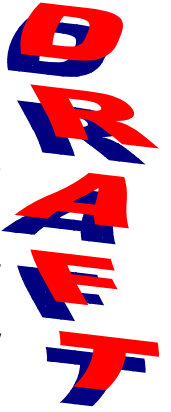
Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located located west of 5th Street along Anamaria Drive.

Fisher presented the requests, reviewed the staff reports and recommended approval of Items 33 thru 36 per staff's recommendations. Fisher noted that Items 33 thru 36 have been continued numerous times due to the number of calls received from area property owners that wanted to have an opportunity to review the project and to allow the applicant time to work with staff and engineering to resolve issues regarding on-site sewer and drainage improvements. She added that the applicant has had an open house with the area property owners and believes that their concerns have been addressed.

Mickelson expressed concerns with the amount of standing water that she observed at the bottom of the retaining wall in November.

Jason Roubideaux, Williams and Associates, reviewed the underdrain system built around the entire building, the retention pond and the perforated drainage pipes. Roubideaux stated that in his opinion the applicant has engineered around the drainage problems and that the current drainage system is working properly as there has been no building movement. He explained that this same drainage system will be utilized in the expansion.

Doug Sperlich, Renner and Sperlich, explained that the applicant worked diligently with staff to design the drainage system that addressed all of the drainage issues. Sperlich stated that in his opinion it is quite possible that the standing water that Mickelson is referring to was melted snow that had not percolated down due to the frost in the ground.



Hoffmann moved, Mashek seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office Commercial with a Planned Commercial Development be approved in conjunction with the associated Major Amendment to the Planned Commercial Development;

that the Rezoning from Medium Density Residential District to Office Commercial District be approved in conjunction with the Comprehensive Plan Amendment and the Major Amendment to the Planned Commercial Development;

that the Major Amendment to the Planned Commercial Development be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the City accepting maintenance of the pedestrian cross walk. In addition, handicap ramps and signage for the pedestrian cross walk shall be provided;
2. Prior to issuance of a building permit, the applicant shall enter into an agreement with the City assuming any cost resulting from the maintenance of the sewer line located within the utility easement due to the location of the retaining wall and/or parking lot within the easement;

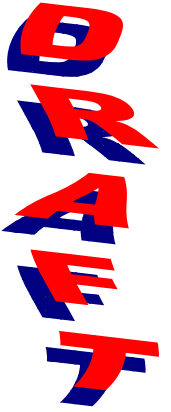
Fire Department Recommendations:

3. The proposed addition shall be fully fire alarmed and fire sprinklered. In addition, the plans for the fire alarm(s) and fire sprinklered system shall be submitted to the Fire Department for review and approval prior to installation;

Urban Planning Division Recommendations:

4. All previous conditions of approval for Final Commercial Development #1428 and the subsequent Major Amendments to the Planned Commercial Development #99PD038 and #00PD070 shall be continually met;
5. The proposed additions(s) shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development;
6. Prior to issuance of a building permit, the parking plan shall be revised to show a minimum of five handicap parking spaces with one of the handicap spaces being van accessible; and,
7. Prior to Planning Commission approval, a fence height exception shall be obtained or the design of the fence shall be revised reducing the maximum height of the fence, including the dormer, to six feet.

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



Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval. In particular, the water plans shall demonstrate that adequate water flows are available for the proposed expansion;**
2. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; and,**
3. **Prior to Preliminary Plat approval by the City Council, revised drainage plans shall be submitted for review and approval.**

VOTE: (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

The Rapid City Planning Commission's action on the Major Amendment to a Planned Commercial Development 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; and,

Kurtenbach requested that Items 37 and 38 be considered concurrently.

37. 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.

38. 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 Items 35 and 36 were removed from the Consent Agenda so that Stone could abstain from voting. He added that staff is recommending that the Final Plat and the Vacation of Section Line Highway be continued to the January 9, 2003 Planning Commission meeting to allow the applicant time to acquire the needed signatures.

Discussion followed concerning incomplete applications and accepting applications without the necessary signatures.



Wall left the meeting at 7:53 a.m.

Hoffmann stated that in his opinion there needs to be consistency in the application process for vacations.

Hoffmann moved, Swedlund seconded and unanimously carried to recommend that the Final Plat and the Vacation of Section Line Highway be continued to the January 9, 2003 Planning Commission meeting to allow the applicant additional time to acquire the needed signature(s). (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Swedlund and Wevik voting yes, none voting no and Stone abstaining)

Wall returned to the meeting at 7:56 a.m.

39. No. 02VE024 - Ridge Park #4

A request by Pat Hall for Eddie H. Rypkema to consider an application for a **Vacation of an Access Restriction** on Lot 23R of Ridge Park #4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1128 Flormann Street.

Elkins reviewed the application, the special exception and staff's recommendation.

Wall moved, Hoffmann seconded and unanimously carried to recommend that the vacation of 35 feet of non-access easement be approved with the following stipulation:

Urban Planning Division Recommendations:

1. **Prior to City Council approval, the applicant shall provide an original, recordable Exhibit A with a Professional Engineer's stamp and signature.**

VOTE: (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)

40. Discussion Items

None

41. Staff Items

- A. Christmas Treats - Elkins thanked Mickelson for providing the delicious Christmas treats for the meeting today.
- B. Thank you - Elkins thanked the Planning Commission for all of their support for the Planning Staff and her during the year. She added that she appreciates the good working relationship that has been established between the Planning Commission and the various City departments.
- C. Annexation - Elkins advised that a Special City Council meeting has been scheduled for December 23, 2002 at 1:15 p.m. to discuss the East



Anamosa Street - Airport Annexation. Elkins explained that normally an annexation request would go to Planning Commission for a recommendation to City Council but in this instance due to the time constraints involved with this involuntary annexation, a public hearing was not scheduled before the Planning Commission. Elkins invited all Planning Commissioners to attend.

42. Planning Commission Items

- A. Smart Growth Audit - Elkins provided an update on the Smart Growth Audit. She advised that City Council reviewed the Request for Proposals and voted 9 to 1 to not proceed with the Smart Growth Audit.

Schmidt moved, Hoffman seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (10 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Swedlund, Wall and Wevik voting yes and none voting no)