

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 23, 2003

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

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

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

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

**Staff requested that Items 10 and 14 be removed from the Non-Hearing Consent Agenda for separate consideration. Mickelson requested that Items 5 and 6 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Item 13 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Prairie Chicken moved, Schmidt seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 15 in accordance with the staff recommendations with the exception of Items 5, 6, 10, 13 and 14 (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

1. Approval of the January 9, 2003 Planning Commission Meeting Minutes.
2. 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 in the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 20, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

3. 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 February 6, 2003 Planning Commission meeting.**

4. 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 February 20, 2003 Planning Commission meeting to allow the applicant to submit revised and/or additional information.**

7. 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 February 20, 2003 Planning Commission meeting at the applicant's request.**

8. 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 February 6, 2003 Planning Commission meeting to allow the applicant time to acquire the needed signature(s) on the vacation of right of way petition.**

9. 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 February 20, 2003 Planning Commission meeting at the applicant's request.**

11. 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 February 6, 2003 Planning Commission meeting to allow the item to be heard in conjunction with a Variance to the Subdivision Regulations request.**

12. No. 02PL127 - Canyon Lake Heights Subdivision

A request by Precision Surveying for Bill Marx to consider an application for a **Layout Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4730 Cliff Drive.

**Planning Commission recommended that the Layout Plat be continued to the February 6, 2003 Planning Commission meeting to allow Staff to review the information submitted by the applicant on January 10, 2003.**

15. No. 02SR031 - Original Town of Rapid City  
A request by Robert Schlimgen for Rapid City Area School District to consider an application for an **11-6-19 SDCL Review to move the heating, venting, air conditioning unit on a public property** on Parcel 1-2; Lots 1-16; Lot A; Parcel 5-6; and vacated alley (also in Section 1, T1N, R7E), all located in Block 65 of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 6th Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to move the heating, venting, air conditioning unit on public property be continued to February 6, 2003 to allow the applicant time to submit additional information.**

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

5. 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.

In response to a question by Mickelson, Fisher advised that the associated Variance to the Subdivision request has been approved by Planning Commission and City Council continued the item to the February 3, 2003 City Council meeting waiting for Planning Commission action on the Preliminary and Final Plat. Fisher also stated that the applicant must sign a Waiver of Right to Protest any future assessments for the street improvements.

Fisher also clarified that the Preliminary and Final Plat are for Lot 3 only, not for Lot 2 thru 4 as indicated on her Staff Report.

**Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary and Final Plat for Lot 3 be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to Preliminary Plat approval by the City Council, revisions to the water and sewer plans shall be submitted for review and approval. In particular, access to the manholes shall be provided;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the collector road located in the northwest corner of the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**

3. **Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, curb, gutter, sidewalk and street light conduit shall be constructed along U.S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for Moon Meadow Drive shall be submitted for review and approval. In particular, sidewalk and street light conduit shall be constructed along Moon Meadow Drive or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along U.S. Highway 16. In addition, a non-access easement shall be shown along Moon Meadow Drive except for approved approach location(s);**

**Fire Department Recommendation:**

6. **All Uniform Fire Codes shall be continually met;**

**Emergency Services Communication Center Recommendation:**

7. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show "Moon Meadow Road" as "Moon Meadow Drive";**

**Urban Planning Division Recommendations:**

8. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
9. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

6. **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.

Mickelson questioned when this area would be annexed into the City limits.

Elkins explained that the City's policy requires that if the land is located adjacent to the City limits and is being platted then it must be annexed into the City. She stated that in this case the proposed property is not adjacent to the City's boundaries.

Fisher reviewed the site map, aerial map, the buffer area between the subject property and the city's boundaries.

Elkins advised that this area has been identified in the Long Range Annexation Plan but there has been no direction from City Council to date to expedite the

annexation of this property. She added that this area is on the list of areas that the City would like to annex in order to square off the north boundaries.

**Mickelson moved, Hoffmann seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Upon submittal of a Preliminary Plat, 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show drainfield easement(s);**
- 2. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat shall be revised to show utility easement(s) for the service lines extending from the community well located on proposed Lot 5A Revised to adjacent properties. The on-site well shall be revised and approved by the South Dakota Department of Environment and Natural Resources;**
- 3. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent and interior roadways;**
- 4. Upon submittal of the Preliminary Plat, road construction plans for Pine Cone Lane shall be submitted for review and approval. In particular, Pine Cone Lane shall be constructed with a 49 foot wide right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of the Preliminary Plat, road construction plans for Laurel Heights shall be submitted for review and approval. In particular, an additional 30 feet of right-of-way shall be dedicated for that portion of Laurel Heights Lane that abuts the subject property. In addition, the road shall be constructed as a minor arterial street with curb, gutter, sidewalk, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of the Preliminary Plat, Pine Cone Lane and Laurel Heights Lane shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 1,200 feet in length with a turnaround at the closed end and an intermediate turnaround(s) at intervals not to exceed 600 feet or a Special Exception to the Street Design Criteria Manual shall be obtained;**

7. **Prior to Final Plat approval, the plat document shall be revised to show the access easement as public right-of-way or a Special Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve as access to more than four lots;**
8. **Prior to Final Plat approval, a road maintenance agreement shall be submitted for review and approval for the three roadways. In addition, documentation shall be submitted demonstrating that the applicant has the legal right to use Pine Cone Lane, a private roadway, as access to the property;**

**Fire Department Recommendation:**

9. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;**

**Urban Planning Division Recommendations:**

10. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
  11. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**
10. **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.

Elkins stated that Staff had originally recommended that the Layout Plat be denied without prejudice because the applicant had not signed a Waiver of Time and Consent to an Extension. She added that the applicant signed the waiver this week and as such Staff is recommending that the Layout Plat be continued to the February 6, 2003 Planning Commission meeting.

**Prairie Chicken moved, Wall seconded and unanimously carried to recommend that the Layout Plat be continued to the February 6, 2003 Planning Commission meeting.**

13. **No. 02PL128 - Heartland Retail Center**

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 12 and Outlots 1 thru 4 of Heartland Retail Center located in the S1/2 of SW1/4 of Section 27, T2N, R8E and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the S1/2 of Section 27, T2N, R8E and a portion of the N1/2 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and

Elk Vale Road.

Hani Shafi, Dream Design International, stated that his client would like to withdraw the application for a Layout Plat. Shafi added that his client plans to make some major changes to the Layout Plat and will submit an application at a later date.

**Wall moved, Stone seconded and unanimously carried to acknowledge the applicant's withdrawal of the Layout Plat. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

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 Pennington County Fairgrounds.

Fisher stated that Staff is recommending that the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements be continued to the February 6, 2003 Planning Commission meeting as the stipulations of approval have not been met.

**Wall moved and Stone seconded to continue the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements to the February 6, 2003 Planning Commission meeting.**

Hoffmann asked what stipulations of approval have not been met.

Fisher stated that there are site plan revisions aligning the approaches on Centre Street, additional drainage information, and a landscaping and parking plan that still need to be submitted. She added that the applicant has been working with staff to resolve these items.

**The vote on the motion carried unanimously to continue the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements to the February 6, 2003 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, 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.**

**Mickelson requested that Items 26 and 28 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 18 be removed from**



**the Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Stone seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 thru 30 in accordance with the staff recommendations with the exception of Items 18, 26 and 28. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

**---HEARING ITEMS CONSENT CALENDAR---**

16. No. 02CA053 - Robbinsdale Addition No. 10  
Comprehensive Plan Amendment - **Summary of Adoption Action** - 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 and west of 5th Street.

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

17. No. 03CA001 - Section 5, T1N, R8E  
A request by Henriksen, Inc. for TREA Northgate Bingo to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.0 acre parcel of land from Industrial to General Commercial** on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1981 East Centre Street.

**Planning Commission recommended that the Amendment to the**

**Comprehensive Plan to change the future land use designation from Industrial to General Commercial be approved.**

\*19 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 February 6, 2003 Planning Commission meeting.**

20. 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 February 6, 2003 Planning Commission meeting.**

\*21. 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 February 6, 2003 Planning Commission meeting at the applicant's request.**

22. 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 February 6, 2003 Planning Commission meeting at the applicant's request.**

23. 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; in the SE1/4 of the NW1/4 of Section 13, 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 Rezoning from General Agriculture District to Low Density Residential District be continued to the February 6, 2003 Planning Commission meeting at the applicant's request.**

24. 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 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 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 February 6, 2003 Planning Commission meeting at the applicant's request.**

\*25. No. 02PD068 - Skyview South Subdivision

A request by Brian Moser to consider an application for a **Major Amendment to a Planned Unit Development** on Lot 5 of Block 1 of Skyview South Subdivision located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2100 Huntington Place.

**Planning Commission continued the Major Amendment to a Planned Unit Development to the February 6, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

27. No. 02SV049 - Section 3, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road** on a portion of the SW1/4 NW1/4 and the S1/2 of Government Lot 4, 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 Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road be continued to the February 20, 2003 Planning Commission meeting at the applicant's request.**

\*29. No. 99UR004 - Section 30, T2N, R8E

A request by the City of Rapid City to consider an application for a **Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District** on Lot A of M-1 in NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2213 N. LaCrosse Street.

**Planning Commission continued the Revocation of a Conditional Use Permit to allow a carwash in the General Commercial District to the March 6, 2003 Planning Commission meeting.**

\*30. 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 continued the Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to a nursing home to the February 6, 2003 Planning Commission meeting to allow the applicant to address access issues and submit additional information.**

---END OF HEARING CONSENT CALENDAR---

18. No. 03RZ001 - Section 5, T1N, R8E

A request by Henriksen, Inc. for TREA Northgate Bingo to consider an application for a Rezoning from Light Industrial District to General Commercial District on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1981 East Centre Street.

Wall asked if new parking will be provided. Fisher stated that rezoning the site to General Commercial will ultimately bring a new use to the property and as such a building permit will be required and at that time sufficient off street parking must be identified in order for the new use to be allowed. She explained that it will also identify any required screening.

**Wall moved and Stone seconded to recommend that the Rezoning from Light Industrial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment.**

In response to a question by Schmidt, Fisher stated that Mrs. Freidel's letter addresses only Item #18 but added that Item #17 is an associated item.

Discussion followed concerning transitional areas, bringing into compliance an existing commercial activity, off street parking issues, access, landscaping and screening.

Jim Auswald, West River Marine, expressed his concerns with parking, increased traffic, access onto E. Highway 44 from Centre Street, lighting, safety and security.

Fisher explained that if the applicant demolishes the existing structure, constructs a new building further back on the property, and relocates the on-sale liquor license to the new structure, then it would require the review and approval of a Conditional Use Permit by the Planning Commission. She added that during the review of the Conditional Use Permit, the City would have the ability to look at a site plan, address issues related to lighting, parking, access and landscaping.

Wall asked if the South Dakota Department of Transportation had any plans to review or improve the intersection of Centre Street and E. Highway 44. Nelson advised that he has not heard of any plans at this time. Fisher added that the South Dakota Department of Transportation would be notified if the proposed Conditional Use Permit is submitted by the applicant.

**The vote on the motion carried unanimously to recommend that the Rezoning from Light Industrial District to Light Industrial District be approved in conjunction with the Comprehensive Plan. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

\*26. No. 03PD001 - Robbinsdale Addition No. 10

A request by Renner and Sperlich Engineering for Walgar Development Company to consider an application for a **Planned Development Designation** on a portion of Tract A of Robbinsdale No. 10, and a portion of Tract B of Robbinsdale Addition No. 10 located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 26 of

Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence first course:  $S00^{\circ}38'52''W$ , along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 Block 26, common to the northwesterly corner of Lot 2 Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence second course:  $S00^{\circ}38'52''W$ , along the westerly boundary of said Lot 2 Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 Block 26, common to the southeasterly corner of said Tract A; thence third course:  $S89^{\circ}40'37''W$ , along the southerly boundary of said Tract A, common to the boundary of Lot 2 of block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence fourth course:  $S64^{\circ}33'00''W$ , parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence fifth course:  $N28^{\circ}45'23''W$ , a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence sixth course:  $N64^{\circ}33'00''E$ , along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of  $15^{\circ}40'46''$ , a length of 255.97 feet, a chord bearing of  $N72^{\circ}23'23''E$ , and a chord distance of 255.17 feet, to the Point of Beginning; located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Parkview Drive along East Minnesota Street.

In response to a question by Mickelson, Elkins explained that City Council is waiting for the Planning Commission to act on the Planned Development Designation before they take action on the Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development.

Discussion followed concerning funding of Minnesota Street. Elkins explained that this is an area with a deferred assessment. She added that when the land adjacent to Minnesota Street is developed and platted then the applicant will need to pay the costs of Minnesota Street.

Discussion followed concerning the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan. Elkins explained that this is a standard condition that was implemented approximately two years ago at the request of Paul Swedlund. Elkins stated that this condition ensures that no sign permits are issued for the site until the Initial and Final Development Plan has been reviewed and approved.

Elkins explained that this application is the result of a solution worked out with residents to the north of the subject property who had expressed concerns about the development in the area.

Schmidt asked if any of the calls that staff received were opposed to the Planned Development Designation. Marino stated that he had received several calls regarding the Planned Development Designation and added that the callers felt

comfortable with the proposed Planned Development Designation process.

**Mickelson moved, Hoffmann seconded and unanimously carried to approve the Planned Development Designation with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

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

28. No. 03RZ002 - 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-E<sup>2</sup>SW<sup>4</sup>14-1-7 and less Lot H1-Lot B SW<sup>4</sup>14-1-7, 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.

Elkins reviewed the slides, zoning map, the notification process, the City Council's request that Staff send notices to additional property owners within 1000 feet of the subject property and the Staff's recommendation.

Mickelson asked if the request includes the construction of a funeral home. Elkins advised that this request is to rezone the property from General Agriculture District to General Commercial District and does not address any specific use.

Discussion followed concerning the total acreage involved and development of the site. Elkins explained that there would be adequate room to construct a relatively small structure. She added that a parking lot would be permitted in a General Commercial Zoning District.

Discussion followed concerning the applicant's plans to construct a funeral home on the property.

Karl Castor, Manager of Pine Lawn Memorial Park Cemetery, stated that it would be advantageous for Pine Lawn Memorial Park Cemetery to be able to construct a 3200 square foot funeral home on the northeast corner of the lot across the street from the cemetery. He stated that the proposed funeral home would have an occupancy of approximately 100 and parking for 30 to 35 vehicles. He stated that due to the increase in homes being built to the south, west and east of the cemetery, he believes that this would be a good location for a funeral home. He added that in his opinion, eventually the funeral home will be in the center of the City and the street system is ideal because a funeral procession would be able to



basically go anywhere without having to go right through town.

Wall expressed concerns with adequate parking on the proposed lot.

Wevik asked about general comment #3 of the Staff Report regarding amendments to the Use on Review. Elkins advised that the Use on Review is for the cemetery across the street and does not include this particular parcel. Elkins advised that there is a wide range of general commercial uses that would be allowed at this location. Elkins explained that one potential option is to require the applicant to submit a Planned Development Designation application before the Planning Commission approves the Rezoning request. She added that this option would ensure that there would have to be an Initial and Final Development Plan review through the Planning Commission and that the neighbors would receive notice of any proposed development on the site.

In response to a question by Schmidt, Castor stated that the applicant would like to begin construction in a couple of months.

Michael Gould, 1850 Skyline Ranch Road, distributed a letter from Mike DeMersseman outlining his concerns with parking and traffic and his request that the Planning Commission visit the proposed site before making a decision on the rezoning request. Gould also expressed his concerns with placing a funeral home in a residential neighborhood, occupancy and parking.

Peg Seljeskog, 2151 Skyline Ranch Drive, expressed her concerns with the inadequate infrastructure in the area, increased traffic, limited parking, lighting and safety.

Discussion followed concerning zoning, intensity of use, lighting, disruption to the neighborhood, noise, parking problems, funerals, visitation and combined cemeteries and funeral homes.

Wevik stated that he is not opposed to a funeral home in a General Commercial District but added that he would not recommend approval of the rezoning request without a Planned Development Designation associated with the property.

Stone concurred with Wevik.

Discussion followed concerning Planned Commercial Developments and Planned Development Designations.

**Stone moved and Wall seconded to recommend that the Rezoning from General Agriculture District to General Commercial District be continued to the February 20, 2003 Planning Commission meeting to allow the applicant time to submit an application for a Planned Development Designation.**

Wall expressed concerns with access onto South Highway 16 from Cathedral Drive to Reptile Gardens. He explained that the South Dakota Department of Transportation is considering closing the access to Echo Ridge off of South

Highway 16 due to the number of accidents that have occurred at that location.

Discussion followed concerning extending the continuance to March 6, 2003 Planning Commission meeting so that Mr. DeMersseman could attend the meeting. The motion maker did not wish to amend his motion.

**Schmidt made a substitute motion to continue the hearing on the Rezoning from General Agriculture District to General Commercial District to the March 6, 2003 Planning Commission meeting to allow the applicant time to submit an application for a Planned Development Designation. The motion died for lack of a second.**

Mickelson stated that in her opinion the property should be rezoned first and then have the applicant submit an application for a Planned Development Designation. She added that she planned to vote against the motion.

Elkins clarified the Planned Development Designation review procedure.

**Mickelson made a substitute motion to approve the Rezoning from General Agriculture District to General Commercial District. The motion died for lack of a second.**

In response to a question by Prairie Chicken, Castor stated that the applicant would like to begin construction this spring.

**The vote on the original motion carried to recommend that the Rezoning from General Agriculture District to General Commercial District be continued to the February 20, 2003 Planning Commission meeting to allow the applicant time to submit an application for a Planned Development Designation. (8 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and Mickelson voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

31. No. 02OA018 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider amendments to Section 2.60.160 to provide procedures for the amendment of the Comprehensive Plan and associated fees.

Elkins distributed a draft Ordinance Amendment and suggested continuing this item to the February 6, 2003 Planning Commission meeting to allow the Planning Commission time to review the proposed amendments.

**Wall moved and Hoffmann seconded to recommend that the Ordinance Amendment to consider amendments to Section 2.60.160 to provide procedures for the amendment of the Comprehensive Plan and associated fees be continued to the February 6, 2003 Planning Commission meeting.**

Discussion followed concerning the ten day notification procedure outlined in the

amendment.

**The vote on the motion carried unanimously to recommend that the Ordinance Amendment to consider amendments to Section 2.60.160 to provide procedures for the amendment of the Comprehensive Plan and associated fees be continued to the February 6, 2003 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

\*32. 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 16B.

Fisher advised that Drain Masters has relocated their business and removed all vehicles from the site. She added that the applicant has not posted surety for the landscaping and fencing and as such, the applicant is requesting that the Planned Unit Development - Final Development Plan be continued to the February 20, 2003 Planning Commission meeting to allow him time to address those issues.

Fisher stated that she received a letter from one of the neighbors expressing concerns with the applicant storing horse trailers, orange fencing, and construction materials on the property. She added that staff supports the continuance to the February 20, 2003 Planning Commission to allow staff and the applicant time to discuss the remaining issues outlined in the neighbor's letter and for the applicant to post surety.

**Hoffmann moved, Stone seconded and unanimously carried to continue the Planned Unit Development - Final Development Plan to the February 20, 2003 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

Wall stated that the subject property was listed with the Board of Realtors but has since been withdrawn. He added that the property is listed for sale with a non-realtor.

Kurtenbach requested that Items 33 and 34 be considered concurrently.

33. 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.

34. No. 02VR005 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Vacation of Section Line Highway** 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 submitted a signed petition late yesterday afternoon and as such staff is requesting that the Final Plat and Vacation of Section Line Highway be continued to the February 6, 2003 Planning Commission meeting.

**Hoffmann moved, Mickelson seconded and unanimously carried to recommend that the Final Plat and the Vacation of Section Line Highway be continued to the February 6, 2003 Planning Commission. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes, none voting no and Stone abstaining)**

35. No. 02PL126 - Miracle Pines Subdivision

A request by Renner & Sperlich for Dean Kelly to consider an application for a **Layout Plat** on Lots B thru E of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3960 Corral Drive.

Kurtenbach advised that Staff recently met with the applicant's agent and discussed drainage, fire protection, septic systems, and ingress and egress from the site. He added that the applicant believes that these remaining issues can be resolved and as such Staff is recommending that the Layout Plat be continued to the February 20, 2003 Planning Commission meeting.

**Hoffmann moved, Stone seconded and unanimously carried to recommend that the Layout Plat be continued to the February 20, 2003 Planning Commission meeting at the applicant's request. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

Fisher requested that Items 36 and 37 be considered concurrently.

36. No. 03PL001 - Canyon Lake Heights Subdivision

A request by Dream Design International to consider an application for a

**Preliminary and Final Plat** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Cliff Drive and Miracle Place.

37. No. 03SV001 - Canyon Lake Heights Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Cliff Drive and Miracle Place.

Fisher explained that the Planning Commission had approved a plat of this property to subdivide this parcel into 4 lots on September 5, 2002. She noted that at the November 4, 2002 City Council meeting, the applicant withdrew the application because there were several area property owners that objected to the proposed density. She added that the applicant has since revised the plat document to reflect three lots and that the neighborhood residents have met and now agree with the proposed platting. Fisher stated that she has visited with Vivian Jorgenson and she confirmed that the area neighbors do not oppose the plat for three lots.

Fisher reviewed the Preliminary and Final Plat and the Variance to the Subdivision Regulations, presented the slides and Staff's recommendation.

**Wall moved, Stone seconded and unanimously carried to recommend 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, water plans showing the design of the proposed community water system shall be submitted for review and approval. In addition, the design of the proposed community water system shall demonstrate that domestic flow requirement(s) are being met;**
2. **Prior to Preliminary Plat approval by the City Council, a water permit shall be obtained from the South Dakota Department of Environment and Natural Resources to allow the well to serve the proposed development;**
3. **Prior to Preliminary Plat approval by the City Council, a homeowners agreement shall be submitted for review and approval demonstrating maintenance of the community well until such time**

as City water is available to the property. In addition, the applicant shall enter into an agreement with the City stating that the property owner(s) shall install fire hydrants as required upon connecting to City water;

4. Prior to Preliminary Plat approval by the City Council, the revised sewer plans showing sanitary sewer service location(s) shall be submitted for review and approval;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cliff Drive and the first fifty feet of Miracle Place;
6. Prior to Preliminary Plat approval by the City Council, a complete grading plan shall be submitted for review and approval. In addition, a drainage study incorporating hydrology and hydraulic calculations demonstrating that the drainage channel has been designed correctly shall be submitted for review and approval. Sediment controls shall also be shown;
7. Prior to Preliminary Plat approval by the City Council, all affected utilities shall concur with the proposed section line highway vacation or road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the section line highway;
8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

**Fire Department Recommendations:**

9. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;
10. A Special Exception is hereby granted to reduce the right-of-way width of the hammerhead turnaround located at the terminus of Miracle Place from 40 feet to 30 feet;

**Emergency Services Communication Center Recommendation:**

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

**Register of Deed's Office Recommendation:**

12. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the heading as "Lots A, B and C of Miracle Place Subdivision" or "Lots A, B, C of Lot 3, Block 15 of Canyon Lake Heights Subdivision";

**Urban Planning Division Recommendations:**

13. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the location of the well outside of

**the minimum required setbacks or a Variance to the Zoning Ordinance must be obtained.**

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

**and that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place be approved with the following stipulations:**

**Engineering Division Recommendation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter and sidewalk along Cliff Drive and Miracle Place; and,**
- 2. Curb, gutter and sidewalk shall be constructed along the east side of Miracle Place as shown on the construction plans. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

**38. 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.

Marino stated that Staff is recommending that the 11-6-19 SDCL Review be continued to the February 6, 2003 Planning Commission to allow the applicant time to submit additional information related to co-location and service coverage for the proposed communication tower.

**Hoffmann moved, Stone seconded and unanimously carried to continue the 11-6-19 SDCL Review of a public utility in Light Industrial Zoning District to the February 6, 2003 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

**39. Discussion Items**

None

**40. Staff Items**

- A. Planning Commission Training Session**

Elkins reminded the Planning Commission that a training session has been scheduled for next Tuesday, January 28, 2003 from 11:30 a.m. to 1:00 p.m. to discuss Certificates of Occupancy, review the plans for sewer and water

throughout the community and provide an update on the East Anamosa - Airport annexation.

B. Draft Telecommunication Facilities Master Plan

Elkins stated that Staff would like to schedule an Open House for February 10, 2003 from 5:00 to 7:00 p.m. She explained that this Open House would allow individuals involved in the industry to meet with the consultant and review the draft Telecommunication Facilities Master Plan.

Discussion followed concerning the Telecommunications Facilities Master Plan.

Elkins encouraged all Planning Commissioners to attend.

41. Planning Commission Items  
None

**Hoffmann moved, Mickelson seconded and unanimously carried to adjourn the meeting at 8:35 a.m. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**