



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 6, 2003

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

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

Chairperson Wevik called the meeting to order at 7:05 a.m.

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

Staff requested that Item 26 be removed from the Non-Hearing Consent Agenda for separate consideration.

Mickelson requested that Items 7, 8, 12 thru 18, and 20 thru 24 be removed from the Non-Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 2 be removed 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 26 in accordance with the staff recommendations with the exception of Items 2, 7, 8, 12 thru 18, and 20 thru 24 and 26. (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 February 20, 2003 Planning Commission Meeting Minutes.

3. 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 approved with the following stipulations:

Engineering Division Recommendations:



1. Upon submittal of a Preliminary Plat, a complete grading plan shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. 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. In addition, the sewer line to be located along the rear of the proposed commercial lots shall be a private utility and shall be maintained by the applicant;
4. 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;
5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways;
6. Upon submittal of the Preliminary Plat, the plat document shall be revised to show a non-access easement along the first 100 feet of Bendt Drive;
7. Upon submittal of the Preliminary Plat, construction plans for Sheridan Lake Road and Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show a deceleration lane along Sheridan Lake Road. In addition, a non-access easement shall be shown along Sheridan Lake Road and Catron Boulevard except for approved approach location(s);
8. Upon submittal of the Preliminary Plat, construction plans for Bendt Drive shall be submitted for review and approval. In particular, Bendt Drive shall be constructed with a 59 foot wide right-of-way. The first 100 feet of Bendt Drive shall be constructed with 3-12 foot wide paved lanes transitioning into a 27 foot wide paved surface;
9. Upon submittal of the Preliminary Plat, the plat document shall be revised to eliminate the shared approach to proposed Lots 1 and 7 located along Catron Boulevard;
10. Upon submittal of the Preliminary Plat, the construction plans shall be revised to provide a bike path extending west from Bendt Drive to Sheridan Lake Road;
11. Upon Preliminary Plat submittal, the construction plans shall be revised to provide an intermediate turnaround every 600 feet along Bendt Drive or a Special Exception to the Street Design Criteria Manual shall be obtained;

Fire Department Recommendation:

12. Upon submittal of the Preliminary Plat, 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;
13. All Uniform Fire Code shall be continually met;

Register of Deed-s Office Recommendation:

14. Prior to Final Plat approval, the plat title shall be revised changing the name



of the proposed subdivision from “Stoney Creek Southside Subdivision” to Stoney Creek South Subdivision;

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 required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

4. **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 March 27, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans.

5. **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.

Planning Commission recommended that the Layout Plat be continued to the March 27, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

6. **No. 02PL129 - MJK Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 23, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Preakness Street between Field View Drive and the Truck Bypass.

Planning Commission recommended that the Layout Plat be continued to the April 10, 2003 Planning Commission to allow the applicant to revise the plat

document and to submit additional information.

9. No. 03RD002 - Section 9, T1N, R8E

A request by Joseph and Winona Lytle (Life Estate) to consider an application for a **Road Name Proposal for a private drive - Lytle Lane** on the balance of Tract A of the E1/2 SW1/4 and of the W1/2 SE1/4 less Lot H1 and the S1/2 SW1/4 NE1/4 less Lot H2 and less right-of-way; S1/2 SE1/4 NW1/4 less Lot H1; balance of NE1/4 SW1/4 less Lot H1; and the balance of the W1/2 SE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Twilight Drive and south of E. Highway 44.

Planning Commission recommended that the Resolution naming a driveway "Lytle Lane" be approved with the stipulation that the applicant shall post the required street sign.

10. 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.

Planning Commission recommended that the 11-6-19 SDCL Review of a public utility be continued to the March 27, 2003 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 03SR002 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public facility in a public place** on Tract 35 and Tract 36, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street along East St. James Street at the Black Hills Polo and Soccer Grounds.

Planning Commission recommended that the 11-6-19 SDCL Review of a public facility in a public place be continued to the March 27, 2003 Planning Commission meeting to allow time for the applicant to submit additional information.

19. No. 03SR012 - Seventh Street Right-of-Way

A request by Sandi Thirstrup for the Seventh Street Promenade Project to consider an application for an **11-6-19 SDCL Review to allow a promenade in public right of way** on the Seventh Street right-of-way between Main Street and St. Joseph Street, more generally described as being 7th Street between Main Street and St. Joseph Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a promenade in public right of way be continued to the March 27, 2003 Planning Commission meeting to allow the applicant to revise the site plan and/or to consider an alternate location for the proposed activity.

25. No. 03SR019 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of public improvements in a public place** on Tracts 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission recommended that the 11-6-19 SDCL Review of public improvements in a public place be continued to the March 27, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit.

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

2. No. 03AN002 - Section 27, T2N, R8E

A request by Dakota, Minnesota and Eastern Railroad Corporation to consider an application for a **Petition for Annexation** on Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and Exit 61.

In response to a question by Prairie Chicken, Elkins advised that the payment to the Box Elder Fire District will not be made until City Council has approved the Petition for Annexation.

Mickelson moved, Hoffmann seconded and carried unanimously to recommend that the Petition for Annexation be approved contingent on any payment that may be due to the Box Elder Fire District being made by the City of Rapid City upon annexation. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

7. No. 03PL017 - Park Meadows Subdivision

A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. to consider an application for a **Final Plat** on Lots 2A, 2B, 3A, 3B, 4, 5A, 5B, 6A, 6B, 7A, 7B, 13A, 13B, and 14 thru 20 of Block 1, Lots 8, 9, 10A, 10B, 11A, 11B of Block 2, Lots 1 thru 9, 10A and 10B of Block 5, of Park Meadows Subdivision located in the NE1/4 SE1/4, SW1/4 NE1/4 and SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted SE1/4 NE1/4 less Lot 1 and Block 1 and less right of way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Merlot Drive, Allie Court, Naples Court and Smith Avenue.

In response to a question by Wall, Elkins advised that the South Dakota Department of Transportation's recommendation to place a barricade at the eastern most terminus of Sydney Drive is the only option available now until new roadway construction takes place.

Mickelson expressed her concerns with access and placing a barricade on Sydney Drive.

Elkins reviewed the slides of the site, access options that were reviewed and Staff's recommendation.

Discussion followed concerning future access onto South Highway 79.

Wall moved, Hoffmann seconded and carried to recommend that the Final Plat be approved with the following stipulations:

South Dakota Department of Transportation Recommendation:

1. Upon City Council approval of the Final Plat, barricades shall be placed at the eastern most terminus of Sydney Drive as it abuts the subject property. Sydney Drive may only serve as an emergency ingress/egress access road;

Urban Planning Division Recommendations:

2. Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
 3. Prior to Final Plat approval by the City Council, surety for the uncompleted improvements shall be posted and the subdivision inspection fees shall be paid. (8 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and Mickelson voting no)
8. No. 03PL019 - Schamber and Morning View Heights Subdivisions
A request by Dale and Brenda Athow to consider an application for a **Layout Plat** on Lot D1 of Schamber, Section 9 of the NW1/4 SE1/4, all located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and 2 of Lot E less Lot A, Morningview Heights; and, the west 60 feet of the north 165 feet of Lot D less the north eight feet of Schamber, Section 9 of the NW1/4 SE1/4, all located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3519 and 3529 Western Avenue.

Mickelson expressed her concerns with the condition of Western Avenue and the capacity of the Leedy Irrigation Ditch.

In response to a question by Mickelson, Elkins advised that the applicant plans to submit an application for a Variance to the Subdivision Regulations to waive the requirements to improve Meadowbrook Drive.

Nelson reviewed the slides of the site, location of the detention pond, direction of conveyances and the areas of discharge.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, the applicant shall identify an additional five and one half feet as Western Avenue right of way;
2. Upon Preliminary Plat submittal, the applicant shall identify the Leedy irrigation ditch as an easement on the plat;
3. Upon Preliminary Plat submittal, the applicant shall submit a topographic and structural survey;

4. Upon Preliminary Plat submittal, the applicant shall submit documentation demonstrating that the Leedy Irrigation Ditch Association is in agreement with the proposed structural development at the subject property.
5. Prior to Final Plat approval by the City Council, the applicant shall install No Parking sign(s) along Western Avenue, or post surety for the required sign(s);

Transportation Planning Division Recommendations:

6. Upon Preliminary Plat submittal, the applicant shall identify the proposed driveway alignment with Northbrook Drive;

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
8. Prior to Final Plat approval by the City Council, improvements to Meadowbrook Drive shall be completed, or a Variance to the Subdivision Regulations shall be obtained to waive the requirements; 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)

Mickelson requested that Items 12 thru 18 and Items 20 thru 24 be considered concurrently.

12. No. 03SR005 - Rapid City Greenway Tract

A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 8 (also in Section 4 and 10, T1N, R7E), Rapid City Greenway Tract located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

13. No. 03SR006 - Rapid City Greenway Tract

A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 10 and Tract 10A, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 1111 Mountain View Road.

14. No. 03SR007 - Rapid City Greenway Tract

A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 4 and the north 27 feet of vacated Flormann Street (also in Section 10, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2330 Arrowhead Drive.

15. No. 03SR008 - Rapid City Greenway Tract

A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for**

- the Adopt-A-Creek Project** on Tract 12 less Lot 1 of Tract 12 (also in Section 3, T1N, R7E), Rapid City Greenway Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of W. Main Street and the bike path.
16. No. 03SR009 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 18, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of W. Philadelphia Street and 12th Street.
 17. No. 03SR010 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Omaha Street and North 8th Street.
 18. No. 03SR011 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 24, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North 5th Street and New York Street.
 20. No. 03SR013 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 27 (also in Section 6, T1N, R8E), Rapid City Greenway Tract, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 203 St. Louis Street.
 21. No. 03SR014 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Omaha Street and Steele Avenue.
 22. No. 03SR015 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Lot B of Tract 32 less Lot H-1, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. Main Street and Brennan Avenue.
 23. No. 03SR016 - Rapid City Greenway Tract
A request by the Rapid City Weed and Seed Project to consider an application for an



11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project on the unplatted portion of the SW1/4 NE1/4 and the west 10 acres of the SE1/4 NE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 San Francisco Street.

24. No. 03SR018 - Rapid City Greenway Tract

A request by the Rapid City Weed and Seed Project to consider an application for an **11-6-19 SDCL Review to allow the placement of a plaque along Rapid Creek for the Adopt-A-Creek Project** on Tract 26 less Lot H1 (also in Section 1, T1N, R7E), Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East Boulevard and East Omaha Street along Rapid Creek.

Mickelson expressed her concerns with allowing any structures in the floodplain, the recognition of certain organizations for their volunteer work and maintenance issues. She stated that she will not support approval of Items 12 thru 18 and Items 20 thru 24.

Elkins explained that the applicant had originally requested that a large boulder be placed in the hydraulic floodway with a plaque placed on the boulder. She explained that the applicant has revised the design plans due to Staff's concerns with the location in the floodway and maintenance issues. She stated that the revised proposal is for a four inch thick plaque that would be flush with the ground. She added that this design would not impede flood waters and it would comply with the flood regulations. She stated that the Parks Department has also reviewed and approved the revised design plans for the ground mounted plaque.

Discussion followed concerning maintenance issues.

Wall stated that in his opinion the Rapid City Weed and Seed Project is an innovative program and that he supported placing ground level plaques within the floodplain to recognize people who clean-up and maintain portions of Rapid Creek.

Discussion followed concerning the Rapid City Weed and Seed Program's funding and federal grants.

Prairie Chicken stated that in his opinion the Rapid City Weed and Seed Program is a good project but added that he will not support placing any structures in the floodplain.

Hoffmann moved, Wall seconded and carried to recommend that Items 12 thru 18 and Items 20 thru 24 be approved with the following stipulations:

Engineering Division Recommendations:

- 1. The applicant shall submit additional information concerning the mounting of the proposed plaque in the ground prior to Planning Commission approval; and**
- 2. The applicant shall verify that the proposed plaques meet all applicable codes of the flood ordinance at all times. (5 to 4 with Hoffmann, Mashek, Stone, Wall and Wevik voting yes and Fast Wolf, Mickelson, Prairie Chicken and Schmidt voting no)**

26. No. 03SR020 - Original Town of Rapid City

A request by Lund Associates, Ltd. For Pennington County to consider an application for an **11-6-19 SDCL Review to allow for the addition and expansion of structures on public property** on Lots 1 thru 32, Block 97; Lots 10 thru 15, Block 98 and the vacated alley adjacent to said lots; Lots 1 thru 9 and Lots 16 thru 32, Block 98, the vacated alley adjacent to said lots, and the vacated 3rd Street adjacent to Lots 16 and 17, Block 98; all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Pennington County Courthouse Complex.

Fisher presented the request and reviewed the slides of the site. Fisher advised that the applicant submitted additional information yesterday concerning drainage, sight triangles, sign package, elevations clearances within the proposed structures, and clarification as to how to access interior parking lots, water and sewer plans and construction plans. She added that Staff including the Engineering Division and the Fire Department has reviewed and approved the information submitted yesterday. She added that the applicant does not wish to continue this matter and is requesting that the Planning Commission approve the 11-6-19 SDCL Review and to also waive the General Commercial Zoning District standards related to front yard setbacks, height regulations and parking requirements.

Mickelson expressed concerns with petroleum flumes and waiving standards within the General Commercial Zoning District.

Elkins explained that a previous project considered in the mid 1990's identified that there was a petroleum flume and contaminated soils on site. She stated that the most recent testing of the site has not indicated any petroleum products on site. Elkins further explained that should petroleum products be encountered on the site during excavation, the applicant would have to comply with all Federal, State and local regulations.

Discussion followed concerning the origin of the contamination and current testing results.

Jeff Davis, Circuit Court Judge requested that the Planning Commission approve the 11-6-19 SDCL Review so that the applicant can move forward with the project and take advantage of a favorable bid and bonding climate.

Don Holloway, Pennington County Sheriff, requested that the Planning Commission approve the 11-6-19 SDCL Review and waive the General Commercial Zoning District standards related to front yard setbacks, height regulations and parking requirements.

Discussion followed concerning whether Staff had adequate time to review the recently submitted information.

Schmidt advised that he would abstain from voting.

Hoffmann moved, Mickelson seconded and carried to approve the 11-6-19 SDCL Review to allow for the addition and expansion of structures on public property

with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of a building permit for the Public Safety Building, a revised drainage plan and a revised utility plan shall be submitted for review and approval;
2. Should petroleum product be encountered on the site during construction, all Federal, State and local regulations shall be met;

Urban Planning Division Recommendations:

3. The proposed construction shall conform architecturally to the plans and elevations submitted;
4. The jail annex shall not exceed 88 feet in height;
5. The Public Safety Building shall not exceed 58 feet 10 inches in height;
6. Approval of 106 Clearances needed for the use of Federal funds including any impact on historic resources shall be obtained;
7. A minimum 4.5 front yard setback shall be provided for the parking structure;
and,
8. A minimum of 595 parking spaces shall be provided. Twelve of the spaces shall be handicap accessible with one of the handicap spaces being van accessible. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Stone, Wall and Wevik voting yes, none voting no and Schmidt abstaining)

Stone left the meeting at this time.

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

Staff requested that Items 35 and 44 be removed from the Hearing Consent Agenda for separate consideration. Mickelson requested that Items 39, 40 and 43 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that item 27 be removed from the Hearing Consent Agenda for separate consideration. Wevik requested that Item 37 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 41 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 27 thru 44 in accordance with the staff recommendations with the exception of Items 27, 35, 37, 39, 40, 41, 43 and 44. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

28. No. 03RZ004 - Original Town of Rapid City
A request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. to consider



an application for a **Rezoning from High Density Residential District to Office Commercial District** on Lot N less the south three feet of Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 429 Quincy Street.

Planning Commission recommended that the Rezoning from High Density Residential District to Office Commercial District be approved in conjunction with the corresponding Comprehensive Plan Amendment.

29. 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.

Planning Commission recommended that the Ordinance Amendment be approved.

*30 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 continued the Planned Commercial Development - Initial and Final Development Plan to the March 27, 2003 Planning Commission meeting to allow the applicant time to submit additional required information.

*31 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 continued the Planned Development Designation to the



May 8, 2003 Planning Commission meeting at the applicant's request.

32. 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 May 8, 2003 Planning Commission meeting at the applicant's request.

33. 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 May 8, 2003 Planning Commission meeting at the applicant's request.

34. 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 May 8, 2003 Planning Commission meeting at the applicant's request.

*36 No. 03PD007 - Minnesota Ridge Subdivision

A request by Wyss Associates, Inc. for West Hills Village to consider an application for a **Planned Residential Development - Final Development Plan** on Tract B of Minnesota Ridge Subdivision located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located on Alta Vista Drive.

Planning Commission continued the Planned Residential Development - Final Development Plan to the March 27, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

38. 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 requirement to install curb, gutter, sidewalk and water be continued to the March 27, 2003 Planning Commission meeting to allow the applicant to revise the construction plans.

---END OF HEARING CONSENT CALENDAR---

27. No. 03CA002 - Original Town of Rapid City

A request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.140 acre parcel of land from High Density Residential to Office Commercial** on Lot N less the south three feet of Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 429 Quincy Street.

In response to a question by Schmidt, Elkins stated that the applicant is proposing to locate a beauty salon on this property.

Schmidt moved, Prairie Chicken seconded and carried unanimously to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.140 acre parcel of land from High Density Residential to Office Commercial be approved. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

*35 No. 03PD006 - Meadows Subdivision

A request by Henriksen, Inc. for Kirk Funeral Home to consider an application for a **Major Amendment to a Planned Commercial Development to allow for the expansion of a funeral home** on Tract A-1 of Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1051 East Minnesota Street.

Fisher explained that the stipulations of approval have not been met and Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the March 27, 2003 Planning Commission meeting.

In response to a question by Schmidt, Fisher advised that surety for the drainage improvements will have to be extended by March 15, 2003.

Mickelson expressed concerns with previous requirements concerning surety and sidewalks not being met.

Discussion followed.

Hoffmann moved, Mickelson seconded and carried to recommend that the Major Amendment to a Planned Commercial Development be continued to the March



27, 2003 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

37. No. 03RZ006 - Section 24, T1N, R7E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** 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 US Highway 16 and west of SD Highway 79.

Wevik stated that he would abstain from voting on the Rezoning from No Use District to General Agriculture District.

Hoffmann moved, Wall seconded and carried unanimously to recommend that the Rezoning from No Use District to General Agriculture District be approved. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes, none voting no and Wevik abstaining)

Mickelson requested that Items 39 and 40 be considered concurrently.

39. No. 03PL016 - Forest Park Estates Subdivision

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

40. No. 03SV007 - Forest Park Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineering for Allen Nelson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and an access easement and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

Mickelson expressed concerns with access to Lot 27, the street network, on-site waste disposal systems and the City waiving the installation of water and sewer.

Fisher stated that Lot 25R is accessed via Starlite Drive and Lot 2 that is adjacent to the subject property which is not a part of this plat is accessed via an access easement

that is located along the east and south of Lot 27. She further reviewed the applicant's request for a Variance to the Subdivision Regulations.

Janelle Finck, Fisk Land Surveying & Consulting Engineering for Allen Nelson, explained that the applicant owns seven acres and that he is allowing his neighbors to the south to acquire portions of his property in order to protect their privacy. She further explained that due to topography issues it would be very difficult to hook up water and sewer to this tract of land located in the middle of Forest Park Estates.

Mickelson stated that she is never satisfied with the City waiving the installation of water and sewer.

Discussion followed concerning continuing this matter and a Waiver of Right to Protest.

Finck explained that there is no increase in density and added that the intent of this application is to allow neighbors to do a friendly land exchange of property in order to preserve their neighborhood area and protect their own property values.

Mickelson moved, Mashek seconded and carried unanimously 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 prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of City water to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In particular, the sewer plans shall show the extension of City sewer to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained. In addition, Lot 27 shall connect to the City sewer line or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter and sidewalk improvements for Starlite Drive, Forest Park Circle and the utility and access easement(s) or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate the first ten feet of the on-site waste disposal easement as it abuts the front lot line of proposed Lot 27;**

Register of Deed's Office Recommendation:

5. **Prior to Final Plat approval by the City Council, the plat title shall be revised to read "...Tract A of SE1/4SW1/4, all in...";**

Urban Planning Division Recommendations:

6. **Prior to Preliminary Plat approval by the City Council, a Variance to the**

Zoning Ordinance shall be obtained to allow a lot to abut on a public street for a distance of less than twenty-five feet or the plat shall be revised to comply with the requirement;

- 7. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
- 8. 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; and**

that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and access easement(s) and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations be approved with the following stipulations:

Engineering Division Recommendations:

- 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, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive; and,**
- 2. A sidewalk shall be constructed on one side of Forest Park Circle. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)**

Wall requested that the Hearing Consent Agenda be reconsidered so that he may request Item 42 be removed for separate consideration.

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

Wall requested that Item 42 be removed from the Hearing Consent Agenda for separate consideration.

Wall moved, Schmidt seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 27 thru 44 in accordance with the staff recommendations with the exception of Items 27, 35, 37, 39, 40, 41, 42, 43 and 44. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

Wall requested that Items 41 and 42 be considered concurrently.

41. No. 03PL018 - Spring Creek Arena Parcel

A request by FMG, Inc. for Hart Ranch Development Company to consider an application for a **Preliminary and Final Plat** on Tracts A, B and C of Spring Creek Arena Parcel of Hart Ranch Development, located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota, legally described as Spring Creek Arena Parcel located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located along Arena Road.

42. No. 03SV009 - Spring Creek Arena Parcel

A request by FMG, Inc. for Hart Ranch Development Company to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Road lying within the three mile platting jurisdiction of Rapid City** on Tracts A, B and C of Spring Creek Arena Parcel of Hart Ranch Development, located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota, legally described as Spring Creek Arena Parcel located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located along Arena Road.

Kurtenbach presented the requests, reviewed the slides of the site and Staff's recommendation

In response to a question by Wall, Elkins explained that a small portion of the northern end of the proposed plat does fall within the Three Mile Platting Jurisdiction of Rapid City requiring that the Preliminary and Final Plat be reviewed and approved by both the City and the County.

Wall expressed concerns with who would be responsible for the improvements along that portion of Arena Drive lying within the City's platting jurisdiction.

Elkins explained that the applicant has applied for a Variance to the Subdivision Regulations to waive the requirements to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the Three Mile Platting Jurisdiction of Rapid City. She added that the Planning Commission and City Council have consistently approved Subdivision Variances that are located partially in the Three Mile Platting Jurisdiction and partially out.

Wall expressed concerns with the increase in traffic along Arena Drive.

Elkins explained that Staff reviewed a traffic study that was prepared for the County and added that Staff is comfortable with waiving the improvements for this project.

In response to a question by Wall, Gene Adink, Hart Ranch Development Company, explained that Lot A is approximately 60 acres and it would be difficult to develop this parcel due to the topography. He added that the applicant plans to use this lot for grazing land. He explained that the school has asked for an option on Tract C, a 10 acre parcel, for future ball fields. He stated that the owners of the property did not feel comfortable selling 30 acres at this time and decided to plat off a second 10 acre parcel. He added that the owners do not have any plans for this property but did not want to replat the property.

Wall moved and Hoffmann seconded 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, the plat shall**

- identify whether Arena Drive is a right of way or private easement;
2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit engineering plans for curb, gutter, sidewalks, water, sewer and street light conduit along that portion of Arena Drive lying within the Three Mile Platting Jurisdiction of Rapid City, or obtain a Variance to the Subdivision Regulations waiving the subdivision improvements;

Urban Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, a subdivision estimate form for any uncompleted subdivision improvements shall be submitted for review and approval;
4. Prior to Final Plat approval by the City Council, surety for any uncompleted improvements shall be posted and the subdivision inspection fees shall be paid; and,

that the Variance to the Subdivision Regulations waiving the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the three mile platting jurisdiction of the Rapid City be approved.

Discussion followed concerning the traffic impact study, notification of adjacent property owners and the remodeling of the arena to accommodate a school.

Schmidt expressed concerns with increased traffic and public safety on Arena Drive.

Mashek expressed concerns with alternative emergency ingress/egress to the subject property.

Mashek made a substitute motion and Schmidt seconded to recommend that the Preliminary and Final Plat the Variance to the Subdivision Regulations be continued to the March 27, 2003 Planning Commission meeting.

Wall concurs with Mashek's concerns regarding access and supports the continuance.

Discussion followed concerning alternative access.

Gene Adink, Hart Ranch Development Company, requested that the Planning Commission not continue the requests as the issue of alternate emergency ingress/egress to the subject property has already been discussed and addressed by the Pennington County Commissioners. He added that the applicant has agreed to utilize a broad emergency access out the back of the property until such time as a County road is constructed on the south side of the property and connected to South Highway 79.

Elkins advised that a stipulation could be added so that prior to Final Plat approval by the City Council, the applicant shall be required to submit documentation identifying alternative access to the subject property for review and approval.

Mashek withdrew her substitute motion and the second concurred.

The original motion maker and second approved the Preliminary and Final Plat and the Variance to the Subdivision with the following amended stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the plat shall identify whether Arena Drive is a right of way or private easement;
2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit engineering plans for curb, gutter, sidewalks, water, sewer and street light conduit along that portion of Arena Drive lying within the Three Mile Platting Jurisdiction of Rapid City, or obtain a Variance to the Subdivision Regulations waiving the subdivision improvements;

Transportation Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, the applicant shall submit documentation identifying alternative access to the subject property for review and approval;

Urban Planning Division Recommendations:

4. Prior to Final Plat approval by the City Council, a subdivision estimate form for any uncompleted subdivision improvements shall be submitted for review and approval;
5. Prior to Final Plat approval by the City Council, surety for any uncompleted improvements shall be posted and the subdivision inspection fees shall be paid; and,

that the Variance to the Subdivision Regulations waiving the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the three mile platting jurisdiction of the Rapid City be approved. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

*43. No. 99UR004 - Section 30, T2N, R8E

A request by the City of Rapid City to consider the **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.

In response to a question by Mickelson, Elkins explained that originally Staff recommended that the Revocation of the Conditional Use Permit be continued to May, 2003 to allow the applicant to complete the required improvements during Spring weather. She added that the Planning Commission was concerned at that time that the applicant would not make progress on the other requirements and wanted to review their progress prior to May, 2003. She further added that according to the Building Inspection Division, the applicant has accomplished many of the required improvements and they are confident that the applicant will be in full compliance by May 8, 2003.

Mickelson moved, Prairie Chicken and carried unanimously to continue the Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District to the May 8, 2003 Planning Commission meeting. (8 to 0

with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

*44. No. 03UR003 - CD Rounds Subdivision

A request by Janell G. Jewett for Children's House Montessori School to consider an application for a **Major Amendment to a Conditional Use Permit to allow an expansion of an existing private school** on Lots 3, 4, and 9, Block 2, CD Rounds Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3520 West Main Street.

Elkins advised that Staff is recommending that the Major Amendment to a Conditional Use Permit be continued to the March 27, 2003 Planning Commission. She also advised that Staff distributed a letter on the dais that was received from a neighbor late yesterday afternoon.

Wall moved and Prairie Chicken seconded to continue the Major Amendment to a Conditional Use Permit to allow an expansion of an existing private school to the March 27, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

Discussion followed concerning the issues raised in the letter submitted by the neighbor.

The vote on the motion to continue the Major Amendment to a Conditional Use Permit to allow an expansion of an existing private school to the March 27, 2003 Planning Commission meeting to allow the applicant time to submit additional information carried unanimously. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*45. No. 03PD008 – Section 25, T2N, R7E

A request by WCL Associates, Inc. for Best Buy Company, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to expand the area of the Planned Commercial Development and a Planned Commercial Development - Initial Development Plan** on Lot 8R of Block 3 in the NW1/4 NE1/4 Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 Haines Avenue.

Marino presented the request and reviewed the slides of the site and Staff's recommendation.

Wall expressed concerns with the right in/right out approach off of Disk Drive.

Elkins explained that there will be a median in the middle of Disk Drive that would force drivers to utilize a right in/right out approach off of Disk Drive.

In response to a question by Wall regarding drainage capacity, Johnson advised that

the applicant will need to collect the drainage on site and not let it discharge out onto the street. He advised that the City has a storm/sewer pipe in the Haines Avenue right-of-way which discharges off to the west to a detention pond near Tires Plus.

In response to a question by Wall, Al Foster, FMG Engineering, explained that when the drainage basin was designed for this area the storm sewer piping was sized properly for the level of commercial development that is occurring in the area.

Hoffmann moved, Wall seconded and carried to approve the Major Amendment to a Planned Commercial Development to expand the area of the Planned Commercial Development and a Planned Commercial Development - Initial Development Plan with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit a grading, sediment, and erosion control plan prior to issuance of a building permit;
2. The applicant shall obtain all proper state and local permits prior to issuance of a building permit;
3. The applicant shall submit a complete drainage plan that shows 100 percent collection of storm water for a 100 year flood event prior to issuance of a building permit;
4. The applicant shall submit a site plan showing abandonment of all existing water lines at the site upon Final Development Plan application;
5. The applicant shall submit a site plan showing the locations of all required water utilities at the site upon Final Development Plan application;
6. The applicant shall demonstrate adequate water flows and calculations that proper water flows exist at the site upon Final Development Plan application;
7. The applicant shall submit a revised site plan showing greater design details for the right in/ right out approach from Disk Drive upon Final Development Plan application;
8. The applicant shall submit profiles of all proposed retaining walls prior to Final Development approval;

Fire Department Recommendations:

9. Prior to issuance of a building permit, the applicant shall submit a site plan showing the building is fire sprinklered;
10. The applicant shall maintain a 20 foot wide fire lane with 13 feet 6 inches of vertical clearance at all times;
11. The applicant shall maintain a maximum road grade of 12 percent at all times;
12. The applicant shall maintain access to the building at all times for emergency vehicles at all access points to the building;
13. The applicant shall maintain two hydrants on site at all times;

Transportation Planning Division Recommendations:

14. Upon submission of the Final Development Plan, the applicant shall submit a revised site plan addressing pedestrian accessibility to the site at the approach off of Disk Drive; and

Urban Planning Division Recommendations:

15. The applicant shall submit information pertaining to materials, lighting,

color, size, etc. for all signage at the site and shall be identified in a sign package prior to Final Development approval. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, 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.

*46 No. 03UR001 - Marshall Heights Tract

A request by Northcott Company for Perkins Restaurant and Bakery to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lot 11R of Lot K-3 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1715 North LaCrosse Street.

Marino presented the application and reviewed the slides of the site and Staff's recommendation.

Rich Huffmann, attorney for Northcott Company for Perkins Restaurant, advised that the request was continued to allow the applicant and the owner additional time to discuss issues related to the liquor license. He added that the applicant and Brian Iverson, attorney for the Ramada Inn, met yesterday and that they have come to an agreement.

Schmidt stated that there were several people at the City Council meeting on March 3, 2003 who were opposed to the On-Sale Liquor license applications for both Perkins. He also expressed his concerns with Perkins trying to obtain a liquor license to allow smoking in a family restaurant and added that in his opinion this is an abuse of the process.

Stacy Wellman stated that she strongly opposes the request for a Conditional Use Permit to allow an On-Sale Liquor Establishment in order to allow smoking in a family restaurant. She requested that the Planning Commission deny the request.

Lisa Sissenstein read a letter from Clark Cummings, Vice President of Operations for Northcott Company, that he had sent to all legislators urging them to amend Senate Bill 94 so that smoking in establishments would be allowed only if their alcohol sales were at least 50% of their total sales. She added that she does not support Northcott's explanation of lost revenue and urged the Planning Commission to deny the request for an On-Sale Liquor Establishment.

Abraham Usera expressed his concerns regarding second hand smoke and requested that the Planning Commission deny the request.

A brief discussion followed concerning Municipal Code 9.16.010 entitled "Endangering Life, Health or Morals of Minors".

Huffmann stated that he appreciated all of those who are concerned about youth and



smoking but explained that what the applicant is attempting to do is legal under the laws of South Dakota. He added that Perkins meets the criteria to have an On-Sale Liquor Establishment and urged the Planning Commission to approve the applicant's request.

Schmidt stated that he still had concerns with traffic and parking issues.

Schmidt moved to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the March 27, 2003 Planning Commission meeting. The motion died for lack of a second.

Prairie Chicken left the meeting.

In response to a question by Wall, Wahl advised that the City Council was split on their vote concerning the liquor licenses for both Perkins Restaurants.

Discussion followed concerning a previous application for a liquor license by Shooter's, drive-up windows, casinos and full service restaurants.

Elkins explained that the Conditional Use Permit for Perkins on Mount Rushmore Road has been appealed and that there will be a public hearing at the March 17, 2003 City Council meeting.

Lengthy discussion followed.

Hoffmann moved and Mashek seconded to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment

Discussion followed concerning the City enacting more stringent regulations than State law, the 60 day time frame for Conditional Use Permits, changing State law and the time it would take to prepare an amendment to the ordinance.

Stillman again requested that the Planning Commission deny the application and requested that the Planning Commission contact their State Legislators.

Mickelson called the question. Schmidt objected to calling the question. The vote on the calling the question carried.

The vote on the motion to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment carried. (4 to 3 with Hoffmann, Mashek, Schmidt and Wall voting yes and Fast Wolf, Mickelson and Wevik voting no)

Wall moved to direct Staff to prepare a draft ordinance that will address this issue fairly and equitable for business people and citizens of the community. The motion died for lack of a second.

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.

Mashek left the meeting.

Elkins requested that Items 47 and 48 be considered concurrently.

47. 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.

48. 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.

Elkins advised that the applicant has not submitted the signed, original vacation petition and Staff is recommending that the Final Plat and the Vacation of Right-of-Way be denied without prejudice.

Discussion followed concerning the applicant's options.

Hoffmann moved, Mickelson seconded and unanimously carried to recommend that the Final Plat and the Vacation of Right-of-Way be denied without prejudice. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Wall and Wevik voting yes and none voting no)

49. Discussion Items

None

50. Staff Items

A. Airport Annexation Update

Elkins reviewed the City's efforts in Pierre lobbying the Legislature regarding the airport annexation issues. She advised that yesterday the House of Representatives concurred with a bill as approved by the Senate that will allow the City to annex the Rapid City Regional Airport and provide the City with a 1.25 mile buffer. She explained that other municipalities cannot further annex into this area. She added that the City will be able to address height and hazards that are located in those municipalities within that 1.25 mile buffer and it will also give the City platting jurisdiction. She explained that this was a compromise bill but it will accomplish many of the things the City has been concerned with over the last 12 years. She stated that the City is now waiting for the Governor's signature and then the City Council will make a decision on what they intend to do with the 9,300 acre annexation that is pending.

51. Planning Commission Items

A. Handicap Parking Ordinance

Mickelson expressed her concerns with the draft Handicap Parking Ordinance being changed after the Planning Commission had approved it. Mickelson stated that in her opinion if an Ordinance is changed between the time that Planning Commission approves it and it goes before City Council then the changes should be brought back to Planning Commission for review and approval.

Elkins stated that she was not present at the City Council meeting but was aware that the City Attorney's Office did meet with the Americans with Disabilities Committee and had proposed some changes. Discussion followed.

Wevik stated that he understands that the City Council has the right to make revisions at their meeting but he expressed concerns with revisions being made in the interim.

Discussion followed concerning the process and Elkins stated she would follow-up on the process.

B. City Council's Action on Two Cow Subdivision

Mickelson expressed her frustration with the City Council's action on Two Cow Subdivision.

Elkins stated that a review of the City Council's actions will be on the next Planning Commission agenda.

Wall moved, Mickelson seconded and unanimously carried to adjourn the meeting at 9:55 a.m. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Wall and Wevik voting yes and none voting no)