

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 27, 2003



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

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

Vice Chairperson Wall called the meeting to order at 7:00 a.m.

**Wall 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.**

**Mickelson requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Schmidt seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Items 9 and 10. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

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

1. Approval of the March 6, 2003 Planning Commission Meeting Minutes.
2. No. 02PL029 - Murphy Ranch Estates  
A request by Davis Engineering was considered for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the April 10, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans, revised drainage information and a revised plat document.**

3. No. 02PL083 - Neff Subdivision  
A request by Dream Design International, Inc. was considered for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City,



Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 5, 2003 Planning Commission meeting as requested by the applicant.**

4. No. 02PL093 - Murphy Ranch Estates

A request by Davis Engineering was considered 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 April 10, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans, revised drainage information and a revised plat document.**

5. No. 02PL116 - Big Sky Business Park

A request by Dream Design International, Inc. was considered 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 April 10, 2003 Planning Commission meeting to allow staff sufficient time to review recently submitted construction plans.**

6. No. 03PL022 - Clarkson Subdivision

A request by Steve and Diana Ringler was considered for a **Layout Plat** on Lot A and Lot B of Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 of Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington



County, South Dakota, more generally described as being located at 7989 Clarkson Road.

**Planning Commission recommended 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 a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot;
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 document shall be revised to show the location of the on-site well. If the well is to be used as a community water source for the two proposed lots, then a well agreement shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows;
3. Upon submittal of a 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 roadways;
4. Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
5. Upon submittal of a Preliminary Plat, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Sheridan Lake Road that abuts the subject property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat, road construction plans for Clarkson Road shall be submitted for review and approval. In particular, an additional five feet of right-of-way shall be dedicated for that portion of Clarkson Road that abuts the subject property. In addition, the road shall be constructed as a collector street with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat, the plat document shall be



revised to show a non-access easement along Sheridan Lake Road. In addition, a non-access easement shall be shown along Clarkson Road except for approved approach location(s);

**Pennington County Highway Department Recommendation:**

8. Upon submittal of a Preliminary Plat, the applicant shall demonstrate that the two existing approaches to proposed Lot B of Lot 2 have been approved or one of the approaches shall be closed. The applicant also has the option of reconfiguring the plat document to allow the northern most approach to serve as a shared approach to the two proposed lots;

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

9. Prior to Final Plat approval by the City Council, the plat document shall be revised to read "formerly Lot 2 of Block 1, Clarkson Subdivision";

**Urban Planning Division Recommendations:**

10. Prior to Final Plat approval, the note on the plat stating "minimum lot setbacks: 25 feet front and rear, eight feet sides" shall be removed;
  11. Prior to Final Plat approval, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
  12. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along the north lot line of proposed Lot A of Lot 2. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements.
  13. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
  14. 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.
7. No. 03PL023 - Enchanted Hills No. 4  
A request by Kent Snow was considered for a **Preliminary and Final Plat** on Lots 37, 38 and 39, Enchanted Hills No. 4, located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 639 Enchantment Road.

**Planning Commission recommended that the Preliminary/Final Plat be approved with the following stipulation:**

**Urban Planning Division Recommendations:**

1. Prior to Final Plat approval, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
8. No. 03SR002 - Rapid City Greenway Tract



A request by the City of Rapid City was considered 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 continued the 11-6-19 South Dakota Codified Law Review to the April 10, 2003 Planning Commission meeting to allow time for the applicant to address floodplain development issues.**

11. No. 03SR019 - Rapid City Greenway Tract

A request by the City of Rapid City was considered 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 continued the review of public improvements in a public place to the April 10, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit.**

12. No. 03SR021 - Sections 22 and 23, T1N, R7E

A request by Reyelts Construction, Inc. for Marcia Beshara was considered for an **11-6-19 SDCL Review to construct a driveway in a public right-of-way** on Tract 1 of SW1/4 NW1/4, Section 23, T1N, R7E, BHM and Lot B of Lot 1 of NE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Fox Drive.

**Planning Commission approved the 11-6-19 SDCL Review to allow the construction of a driveway in public right-of-way with the following stipulations:**

**Fire Department Recommendations:**

1. The driveway shall be constructed as a minimum 20 foot wide graveled roadway and maintained in a dust free manner at all times;
2. The driveway shall have an unobstructed vertical clearance of not less than 13 feet 6 inches;
3. The driveway grade shall not exceed sixteen percent as per the Street Design Criteria Manual;
4. A hammerhead turnaround to accommodate fire apparatus shall be constructed at the end of the driveway;

**Urban Planning Division Recommendations:**

5. Prior to Planning Commission 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 paving for that portion of the driveway located within public right-of-way; and,
6. Upon issuance of a grading permit or a building permit, the first fifty feet of the driveway located outside of the public right-of-way shall



**be paved as per Chapter 17.50.270.I of the Rapid City Municipal Code or a Variance from the Zoning Board of Adjustment shall be obtained.**

13. No. 03SR023 - Rapid City Greenway Tract

A request by the City of Rapid City was considered for an **11-6-19 SDCL Review of a public structure in a public place** on Tract 8 (also in Sections 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

**Planning Commission continued the 11-6-19 South Dakota Codified Law Review to the April 24, 2003 Planning Commission meeting.**

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

9. No. 03SR004 - Section 12, T1N, R7E

A request by MegaCom for Verizon Wireless was considered for an **11-6-19 SDCL Review of a public utility** on Tract A of Lot 1 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

In response to a question from Wall, Elkins indicated that denying the application without prejudice would not benefit the applicant in this case as there is no application fee for an 11-6-19 SDCL Review.

**Prairie Chicken moved, Hoffmann seconded and unanimously carried to acknowledge the withdrawal of the 11-6-19 South Dakota Codified Law Review of a public utility at the applicant's request. (7 to 0)**

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

A request by Sandi Thirstrup for the Seventh Street Promenade Project was considered for an **11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way** on the Seventh Street right-of-way between Main Street and St. Joseph Street, more generally described as being located on 7th Street between Main Street and St. Joseph Street.

Mickelson advised that she would not vote in favor of the application as she did not have adequate information to address the numerous concerns she had with the proposed event. She expressed concern that members of the Downtown Business Association were not aware of the proposed use and questioned whether the booth sales would compete with the existing businesses in the downtown area. Mickelson noted that noise pollution from the event may be of concern to the residents living in downtown apartments. She expressed concern that this portion of Seventh Street would be closed during the Omaha Street construction, the Sturgis Rally and would cause additional work for City Police.

Wall requested clarification concerning whether the Downtown Business Association had been notified of this application. Elkins indicated that staff had





not contacted the Downtown Business Association. She explained that staff has reviewed the impact of the proposed use.

Prairie Chicken advised that the YMCA and others have held similar events in the downtown area in the past noting that he is satisfied with staff's recommendation.

Hoffmann asked if the weekend use could be reviewed after a short trial period as opposed to approving the use for the entire summer season.

Elkins stated that the use could be reviewed at any time designated by the Planning Commission. She explained that the applicant has indicated that she is accepting commitments from vendors and preparing advertising based on the proposed 15 weekend time period.

Sandi Thirstrup, applicant, advised that she has discussed the event with the Downtown Business Association and are operating under their insurance. She added that she has a letter of recommendation from the Alex Johnson Hotel and noted that the music will be played until dusk and then a nostalgic movie will be presented. She stated that security guards will be present at all times during the events. Thirstrup noted that booth sales will primarily consist of vegetables, flowers, garden items and crafts. She added that the businesses on 7<sup>th</sup> Street have signed a petition supporting the proposed activities.

Schmidt requested clarification concerning how close the residential apartments are to the proposed event staging area. Thirstrup responded that there are no residential apartments on this portion of 7<sup>th</sup> Street but that there are apartments in the alley.

Schmidt asked if it would be appropriate to allow the event for two or three weekends and then reevaluate the request. Thirstrup noted that they hope to accustom the community to coming downtown each weekend during the summer.

In response to a question from Schmidt, Thirstrup responded that fees from booth rental would be used to cover the cost of advertising, required permits and security guards. Schmidt indicated that he would like more information on the group sponsoring the event and the criteria for booth rentals.

Thirstrup presented a copy of the petition signed by the 7<sup>th</sup> Street businesses to the Planning Commission.

Wall noted that the hours of operation on Sundays were from 9:00 a.m. to 6:00 p.m. He expressed concern that parking is at a premium from 9:00 a.m. to 12:00 p.m. as a result of the attendance at three larger churches in the area. He stated that parking for the event at that time would be a problem.

Thirstrup explained that the booths would only be open to the public on Sundays from 12:00 noon until 5:00 p.m. She explained that the time prior to and after that would be used by the vendors for set-up and take-down.



Hoffmann stated that he feels the weekend events would be good for the downtown association.

**Hoffmann moved and Schmidt seconded to recommend that the 11-6-19 SDCL Review to allow a street dances, movies and vendors in public right of way be continued to the April 10, 2003 Planning Commission meeting to allow the applicant to provide additional information concerning the organization and the booth rental requirements.**

Thirstrup stated that she could provide a list of committee members, noted that they are a non-profit group and are only interested in providing a fun community activity.

**The motion carried unanimously to recommend that the 11-6-19 SDCL Review to allow a street dances, movies and vendors in public right of way be continued to the April 10, 2003 Planning Commission meeting to allow the applicant to provide additional information concerning the organization and the booth rental requirements. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

**-HEARING CONSENT AGENDA-**

**Wall 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.**

**A member of the audience requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Prairie Chicken seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 thru 25 in accordance with the staff recommendations with the exception of item 20. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

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

14. No. 03AN003 - Sections 9, 16, and 17, T1N, R8E  
A request by the City of Rapid City was considered for a **Resolution of Intent to Annex** on the balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, the 100 foot South Dakota





Railroad Authority right-of-way lying adjacent and north of Lot H2 in the NW1/4 NE1/4 and Lot H5 in the NE1/4 NW1/4 and Lot H2 in the N1/2 SW1/4 NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998 in the N1/2 NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2 NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4 SE1/4 NW1/4 and the east 190 feet of the north 600 feet of the NW1/4 SE1/4 NW1/4 of said Section 16; the balance of the S1/2 NE1/4 SE1/4 NW1/4 of said Section 16; and the SW1/4 SW1/4 SW1/4 NW1/4 of said Section 16, Pennington County, South Dakota; and, Lot H1 in the NE1/4 SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79.

**Planning Commission recommended that the Resolution of Intent to Annex be approved.**

15. No. 03CA002 - Original Town of Rapid City  
Comprehensive Plan Amendment - **Summary of Adoption Action** - 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.

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

16. No. 03CA004 - Section 5, T1N, R8E  
A request by the City of Rapid City was considered for an **Amendment to the Comprehensive Plan to change the future land use designation on an 11.9873 acre parcel of land from Residential to General Commercial** on Lot O Revised of Tract A and Lot U Revised of Tract A, all of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots P, Q, R, T, V, W, X, Y, Z and Lots 1 and 2 of Lot S, all of Tract A, Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R, T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

**Planning Commission recommended that the Comprehensive Plan Amendment to change the land use designation on an 11.9873 acre parcel from Residential to General Commercial be continued until the April 10, 2003 Planning Commission meeting to ensure adequate notification of the proposed amendment to the affected landowners.**



17. No. 03RZ007 - Section 5, T1N, R8E

A request by the City of Rapid City was considered for a **Rezoning from No Use District to General Commercial District** on the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R and T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, all located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

**Planning Commission recommended that the rezoning from No Use Zoning District to General Commercial Zoning District be continued until the April 10, 2003 Planning Commission meeting to ensure adequate notification of the related Amendment to the Comprehensive Plan to the affected landowners.**

18. No. 03CA005 - Section 5, T1N, R8E

A request by the City of Rapid City was considered for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial** on Tract B of the E1/2 SE1/4 and Tract C of the SE1/4 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots E, F, G, H, I, J, K, L, M and N of Tract A of Schlottman Addition of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot of the E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the north 33 foot E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

**Planning Commission recommended that the Comprehensive Plan Amendment to change the land use designation on a 24.4962 acre parcel from Residential to Light Industrial be continued until the April 10, 2003 Planning Commission meeting to ensure adequate notification of the proposed amendment to the affected landowners.**

19. No. 03RZ008 - Section 5, T1N, R8E

A request by the City of Rapid City was considered for a **Rezoning from No Use District to Light Industrial District** on the north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street



right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

**Planning Commission recommended that the rezoning from No Use Zoning District to Light Industrial Zoning District be continued until the April 10, 2003 Planning Commission meeting to ensure adequate notification of the related Amendment to the Comprehensive Plan to the affected landowners.**

\*21. No. 02PD025 - Original Town of Rapid City

A request by CSU Properties, LLC was considered 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 4<sup>th</sup> 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 5<sup>th</sup> Street and North Street.

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

**Engineering Division Recommendations:**

1. **Prior to issuance of a Building Permit, the applicant shall provide construction plans for the installation of required barriers or guardrails for any pedestrian walkways adjacent to walls and grade changes of more than 30 inches;**
2. **Prior to issuance of a Certificate of Occupancy, the applicant shall complete and file any additional utility easements necessary for constructing, accessing and maintaining public infrastructure;**

**Fire Department Recommendations:**

3. **All Uniform Fire Codes must be continually met;**
4. **Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;**
5. **All access, turnarounds and parking areas shall comply with all requirements of the Uniform Fire Code and the Rapid City Street Design Criteria Manual;**
6. **Prior to issuance of a Building Permit for the proposed parking area, the Fire Department shall have reviewed and approved plans to ensure that adequate emergency vehicle access and circulation is being provided;**
7. **Prior to issuance of a Building Permit, the applicant shall submit building plans showing the provision of a fire sprinkler system throughout the proposed structure;**

**Building Inspection Division Recommendations:**

8. **A building permit shall be obtained prior to any construction and a**



certificate of occupancy shall be obtained prior to occupancy;

**Urban Planning Division Recommendations:**

9. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
10. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
11. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
12. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
13. All provisions of the Sign Code shall be continually met;
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;
15. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not reflect directly onto any public rights-of-way creating a traffic hazard;
16. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development;
17. Prior to Planning Commission approval of the Initial and Final Development Plan, the applicant shall provide written documentation from the affected utility companies identifying that they have reviewed and approved the miscellaneous document dedicating the utility easement(s) necessary for the relocation of existing utilities and installation of future utilities; and,
18. Prior to Planning Commission approval of the Initial and Final Development Plan, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easement(s) necessary for the relocation of existing utilities and installation of future utilities. In addition, the miscellaneous document shall include temporary utility easement(s) for the existing utilities until the necessary utility relocations have been completed. The applicant shall provide a copy of the filed document to the Rapid City Planning Department.

*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.***

\*22. No. 03PD006 - Meadows Subdivision

A request by Henriksen, Inc. for Kirk Funeral Home was considered 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.

**Planning Commission approved the Major Amendment to the Planned Commercial Development with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Planning Commission approval, the previously required drainage improvements shall be completed or the existing surety shall be extended six months to allow the applicant additional time to complete the improvement;
2. Upon submittal of a building permit for the proposed expansion, a grading permit shall be submitted for review and approval if the finished grade of the site will be different from that previously reviewed and approved;

**Fire Department Recommendations:**

3. Upon submittal of a building permit, the applicant shall demonstrate that the proposed expansion is in compliance with the Uniform Fire Code;

**Urban Planning Division Recommendations:**

4. The first twenty five feet of the fence located along the east lot line shall be lowered from six feet to four feet or a Fence Height Exception shall be obtained;
5. All previous conditions of approval for Final Commercial Development Plan #1655 and the subsequent Major Amendment to the Planned Commercial Development #01PD044 shall be continually met; and,
6. The proposed addition shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development.

***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.***

\*23. No. 03PD007 - Minnesota Ridge Subdivision

A request by Wyss Associates, Inc. for West Hills Village was considered 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 approved the Final Planned Residential Development with the following stipulations:**

**Engineering Division Recommendation:**

1. The private driveway shall be constructed to City Street Design Standards with the exception that a four foot wide sidewalk shall be allowed along both sides of the interior driveway in lieu of a five foot wide sidewalk;

**Building Inspection Recommendation:**

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

**Fire Department Recommendation:**

3. All Uniform Fire Codes shall be continually met;
4. The cul-de-sac at the end of the private driveway shall be constructed with a minimum 90 foot wide diameter, curb to curb. In addition, the cul-de-sac shall be posted with no parking sign(s);

**Urban Planning Division Recommendations:**

5. Phase One of the development shall allow for the construction of eight cottage units and the dirt work and foundations for three additional units. Any additional construction and/or dirt work shall require the review and approval of a Major Amendment to the Planned Residential Development;
6. The residential development shall conform architecturally to the plans and elevations submitted as part of this Final Planned Residential Development;
7. The proposed sign shall conform architecturally to the plans and elevations submitted as part of this Initial and Final Planned Residential Development. Any additional signage, in compliance with the Sign Code, shall require the review and approval of a Minimal Amendment;
9. Each cottage unit shall provide a minimum 18 foot front yard setback from the private driveway and a minimum 25 foot rear yard setback;
10. All provisions of the Medium Density Residential Development shall be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment; and,

**Air Quality Division Recommendations:**

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

*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.*





24. No. 03RZ009 - Section 3, T1N, R7E  
A request by Dream Design International, Inc. for Delores Catron was considered for a **Rezoning from Medium Density Residential District to General Commercial District** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 Jackson Boulevard.

**Planning Commission recommended that the Rezoning from Medium Density Residential District to General Commercial District be denied without prejudice at the applicant's request.**

25. No. 02SV049 - Section 3, T1N, R8E  
A request by Dream Design International, Inc. was considered 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 April 10, 2003 Planning Commission meeting to allow staff sufficient time to review recently submitted construction plans.**

**---END OF HEARING CONSENT CALENDAR---**

20. No. 03OA002 - Ordinance Amendment  
A request by the City of Rapid City was considered for an **Ordinance Amendment** amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code relating to the storage and parking of trucks, trailers and commercial vehicles.

Wayne Loof, Integrity Homes, advised that he pulled this item off of the consent calendar due to numerous concerns with the proposed ordinance. He stated that the ordinance as proposed prohibits the parking of vehicles at construction sites and would be detrimental to his business.

Wall clarified that staff has recommended this item be continued to allow the Ordinance Amendment to be researched and drafted. Elkins indicated that Mr. Loof was referring to an ordinance that the City Attorney's staff drafted and circulated previously. Elkins stated that staff has a number of questions concerning that draft, including parking vehicles at construction job sites. She explained that staff has no intention to preclude these type of uses only to ensure that these vehicles don't end up being stored for excessive periods. Elkins noted that in the next month staff will poll other communities and planning organizations to develop a workable solution.



Loof suggested that public hearings be held including construction industry representatives prior to drafting a proposed ordinance. Elkins indicated that the Planning Commission could direct staff to hold public hearings noting that if there is not a proposed ordinance to discuss it is difficult to hold a productive hearing. Hoffmann added that the proposed ordinance would be available for review prior to the April 24, 2003 Planning Commission meeting. Elkins indicated that the proposed ordinance and staff report would be available on-line the Friday evening prior to the Planning Commission meeting.

**Hoffmann moved and Schmidt seconded to recommend that the Ordinance Amendment regarding the storage and parking of trucks, trailers and commercial vehicles be continued until the April 24, 2003 Planning Commission to allow additional time for staff to research the issues related to the proposed ordinance.**

Jannette McIntyre, Black Hills Homebuilders, stated that Ordinance 3914 specifically stated that construction trailers could remain in a lot overnight. She expressed concern that the proposed ordinance amendment could affect the lives of builders in the community and could have a devastating effect on their businesses.

Elkins clarified that because the Friday prior to the April 24, 2003 Planning Commission meeting is Good Friday, City offices will be closed. She stated that the staff report and draft ordinance would be available on-line late Thursday afternoon April 17<sup>th</sup>.

**The motion unanimously carried to recommend that the Ordinance Amendment regarding the storage and parking of trucks, trailers and commercial vehicles be continued until the April 24, 2003 Planning Commission to allow additional time for staff to research the issues related to the proposed ordinance. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

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

26. No. 03CA003 - Sections 9 and 16, T1N, R7E  
A request by Wyss Associates, Inc. for Dr. Andrew Severson was considered for an **Amendment to the Major Street Plan**, an element of the Comprehensive Plan, by reclassifying Park Drive from a minor arterial street to a collector street, located within Sections 9 and 16, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located in southwest Rapid City.

Horton presented the request and reviewed the staff report in detail, slides and general guidelines used to develop the Major Street Plan. She stated that staff recommends that the Amendment to the Major Street Plan be denied without prejudice.



Pat Wyss, agent for applicant, advised that he is the land planning consultant for Dr. Severson. He stated that the discussion in the staff report and presentation concerning Dr. Severson's previous Layout Plat request should not be considered in the decision concerning the Major Street Plan Amendment. He emphasized that Dr. Severson withdrew the Layout Plat request. Wyss stated that Park Drive should be returned to a collector street status. He expressed concern that the Minor Arterial designation in this case appears to be arbitrary and ignores the relative density that can be achieved due to topographic constraints. He indicated that he does not feel the legal advertising requirements for Major Street Plan Amendments are adequate. Wyss added that Dr. Severson has already dedicated right-of-way for the extension of Park Drive. He added that because the Rapid City School District creates the heaviest traffic impact at this location they should be responsible for dedicating any additional right-of-way.

Mickelson indicated that she feels the Planning staff would be remiss if they did not consider the future development of this area. She stated that the potential development of Dr. Severson's property is pertinent when considering the Major Street Plan Amendment.

Discussion followed concerning the existing right-of-way width along Park Drive.

**Mickelson moved, Hoffmann seconded and unanimously carried to recommend that the request to amend the Major Street Plan, an element of the Comprehensive Plan, be denied without prejudice. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

\*27. No. 02PD059 - Cleary Subdivision

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

Fisher advised that the applicant has identified that the property is potentially going to be sold by May 30, 2003 and has requested that the application be continued to the June 5, 2003 Planning Commission meeting. She added that if sold an alternate development plan would need to be reviewed for the property. Fisher noted that the applicant has indicated that the manure would be removed from the property not later than 14 days from this date.

Dave Fisk, applicant, commented that operations at the equestrian facility have remained the same since it was opened. He expressed concern regarding the complaints of the area property owners. He stated that they are moving the facility.

Discussion followed.



**Hoffmann moved, Schmidt seconded and carried unanimously to continue the Final Planned Unit Development to the June 5, 2003 Planning Commission meeting. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

28. No. 02PL126 - Miracle Pines Subdivision

A request by Renner & Sperlich for Dean Kelly was considered 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 indicated that this request was last heard on January 9, 2003 and was continued so that the applicant could provide additional information. He stated that no new information has been submitted since that time.

**Mickelson moved, Prairie Chicken seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

Fisher requested that Items 29 and 30 be considered concurrently.

29. No. 03PL024 - Section 14, T1N, R7E

A request by Nathan A. Barton of Wasteline, Inc. for Pine Lawn Memorial Park, Inc. was considered for a **Layout, Preliminary and Final Plat** on Lot 1 of Lot B and Lot B-R, 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, legally described as 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 4480 South Highway 16.

30. No. 03SV010 - Section 14, T1N, R7E

A request by Nathan A. Barton of Wasteline, Inc. for Pine Lawn Memorial Park, Inc. was considered for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations** on Lot 1 of Lot B and Lot B-R, 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, legally described as 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 4480 South Highway 16.

Fisher indicated that adequate information was not submitted with the plat



request noting that the plat document was incomplete and was not prepared or signed by a certified land surveyor. Fisher stated that because there was not adequate information to review these requests staff recommends that the Plat and the Subdivision Variance be denied without prejudice.

Discussion followed concerning the recent City Council action on the applicant's associated rezone and planned development applications.

**Hoffmann moved and Prairie Chicken seconded to recommend that the Layout, Preliminary and Final Plat be denied without prejudice; and to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations be denied without prejudice.**

Mickelson advised that she was the Council Liaison when the associated applications were denied at City Council. She discussed the Council's decision.

**Hoffmann moved and Prairie Chicken seconded to recommend that the Layout, Preliminary and Final Plat be denied without prejudice; and to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations be denied without prejudice. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

Kurtenbach requested that Items 31 and 32 be considered concurrently.

31. No. 03PL025 - Woodridge Subdivision

A request by Sean Casey was considered for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1183 Woodridge Drive.

Fast Wolf left the meeting at this time.

32. No. 03SV011 - Woodridge Subdivision

A request by Sean Casey was considered for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge Drive and Pine Knoll Place** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1183 Woodridge Drive.

Kurtenbach presented the requests and reviewed the slides noting that staff



recommends that the Preliminary and Final Plat be approved with stipulations. He advised that the Planning Commission has supported Variances to the Subdivision Regulations in the past for projects where there was not an increase in density. He noted that this plat application would combine three lots into one lot and identified staff's recommendation for approval of the requested subdivision variance with the condition that the applicant execute a Waiver of Right to Protest an assessment district for the required subdivision improvements.

Schmidt noted that there are currently no sidewalks along Woodridge Drive or Pine Knoll Place. He requested clarification whether the City has any plans for the construction of sidewalks now or in the future for this area. Elkins responded that the City does not have a sidewalk program noting that the City has historically used assessment projects for sidewalk construction.

**Hoffmann moved, Schmidt seconded and unanimously carried to recommend that the Preliminary/Final Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Final Plat approval by the City Council, sidewalks shall be installed along Woodridge Drive and Pine Knoll Place as specified in Section 16.20.040 of the Rapid City Municipal Code, or a Subdivision Regulations Variance shall be obtained to waive the requirements;
2. Prior to Final Plat approval by the City Council, the applicant shall identify water and sewer service lines to Lots 29 and 31, and post surety for properly abandoning the water and sewer service lines;

**Fire Department Recommendations:**

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

**Transportation Planning Division Recommendations:**

4. Prior to Final Plat approval by the City Council, the plat shall be revised to identify Woodridge Drive as right of way, and identify an additional three and one half feet of right of way along Woodridge Drive, or a Subdivision Regulations Variance shall be obtained to waive the requirement;
5. Prior to Final Plat approval by the City Council, the plat shall be revised to identify a non-access easement along Pine Knoll Place and Woodridge Drive, except for the current access location for Lot 30;

**Urban Planning Division Recommendations:**

6. Prior to Final Plat approval by the City Council, the Planning Director, Public Works Director and Finance Officer Minor Plat certificates shall be removed from the plat, and the Governing Body certificate shall be added;
7. Prior to Final Plat approval by the City Council, the plat heading shall be revised to read, "Lot 29 Revised of Woodridge Subdivision (Formerly Lots 29, 30 and 31 of Woodridge Subdivision), located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington





**County, South Dakota”;**

- 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; and, to recommend that the Variance to the Subdivision Regulations to waive the requirement for sidewalks be approved with the following stipulation.**

**Urban Planning Division Recommendations:**

- 1. Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements. (6 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

Fast Wolf returned to the meeting at this time.

**33. No. 02SR028 - Fountain Springs Business Park**

A request by Jerry Gyles for Golden West Technologies was considered 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 the applicant has requested that this item be continued to the April 10, 2003 Planning Commission meeting.

**Mickelson moved, Hoffmann seconded and unanimously carried to continue the 11-6-19 South Dakota Codified Law Review of a public utility to the April 10, 2003 Planning Commission meeting at the applicant's request. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

**34. No. 03SR003 - Original Town of Rapid City**

A request by MegaCom for Verizon Wireless was considered for an **11-6-19 SDCL Review of a public utility** on Lots 1 thru 16 of Block 91; Lots 21 thru 24 of Block 91; and, Lots 12 and 13 of Block 101; all located in Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of West Boulevard between St. Joseph Street and Quincy Street.

Marino advised that this item was continued from the March 6, 2003 Planning Commission meeting to allow the applicant to provide additional information. He noted that the applicant has provided the requested information and indicated that staff recommends approval of the request with the stipulations.

Discussion followed concerning the proposed style, color and placement of the cellular antennae.



Hoffmann moved, Mickelson seconded and unanimously carried to approve the 11-6-19 South Dakota Codified Law Review of a public utility with the following stipulations:

**Fire Department Recommendations:**

1. The equipment room shall have the same fire protection as remainder of the building (i.e. fire sprinklers, fire alarms, etc.);
2. The equipment room shall be clearly identified;

**Engineering Division Recommendations:**

3. If installation requires placement of equipment or staging area to be located in the City of Rapid City right of way, then a right of way work permit must be obtained;

**Urban Planning Division Recommendations:**

4. There shall be no lighting constructed in conjunction with the proposed antennas at any time;
5. The only type of communication antenna mounted at the proposed location shall be flush with the face of the building, and they shall not exceed 24 inches above the highest point of the roof line; and
6. The color of all structures and antennas shall match the existing color of the building at all times. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)

35. No. 03SR022 - Owen Mann Subdivision

A request by the City of Rapid City was considered for an **11-6-19 SDCL Review of a public structure in a public place** on Lot 1 of Tract 1 of Block 1 and Lot A of Lot 2 of Tract A, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 102 Federal Avenue.

Marino reviewed the slides and noted staff's recommendation for approval of the request with stipulations noting that additional information concerning grading and the retaining wall need to be submitted prior to issuance of a building permit.

Elkins advised the Planning Commission that this request and the subsequent item affect the same piece of land. Discussion followed concerning the positioning of the Fire Station structure, construction and potential conflicts with the air monitoring equipment.

Rod Johnson, Fire Station Project Manager, indicated that the City has a construction easement for the lot adjacent to the Fire Station property. He expressed concern that construction on the Fire Station property could cause erroneous readings in the air monitoring equipment.

In response to a question from Schmidt, Johnson indicated that construction of the Fire Station could take up to a year.

Discussion followed.

Brad Shultz, Department of Environment and Natural Resources, Air Quality



Program, indicated that he was not aware of the conflict until today noting that he has not had an opportunity to review all of his options. He discussed how the data from the air monitoring equipment must be collected.

Discussion followed concerning potential ways to mitigate negative impacts on the air monitoring system during construction of the Fire Station.

**Mickelson moved, Hoffmann seconded and unanimously carried to approve the 11-6-19 SDCL Review of a public structure in a public place with the following stipulations:**

**Engineering Division Recommendations:**

1. The applicant shall submit a revised site plan identifying if an underdrain/foundation drain is provided for the modular block wall prior to issuance of a building permit;
2. The applicant shall submit a revised site plan showing spot elevations for the swale located on the west side of the building prior to issuance of a building permit;
3. The applicant shall submit a revised site plan showing top elevations for the modular wall, and provide additional construction details, prior to issuance of a building permit;
4. The applicant shall verify that an eight inch PVC roof drain is adequate prior to issuance of a certificate of occupancy;
5. All taps to water or sewer main shall be in accordance with City Utility Maintenance requirements;
6. The applicant shall have City of Rapid City Utility Maintenance Staff verify the condition of the existing sanitary sewer service line prior to re-connection to sanitary sewer service;
8. The applicant shall identify stabilized construction access to be provided at access locations in order to prevent any discharge of sediment, including tracking of mud or debris onto streets at all times;
9. The applicant shall obtain a building permit prior to any construction at the site;
10. The applicant shall submit a revised grading/drainage/utility plan as per staff's comments prior to issuance of a building permit;
11. The applicant shall provide "Emergency Vehicle Access Only" signs on both sides of Federal Avenue approach prior to Certificate of Occupancy being issued;

**Urban Planning Division Recommendations:**

12. The applicant shall maintain 13 parking spaces at all times;
13. The applicant shall verify that all lighting at the site is constructed in order to minimize the impacts on surrounding land uses;
14. The applicant shall maintain 15,497 landscaping points at all times; and,
15. The architectural design features constructed shall comply with new the elevations of approved building permit. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)



36. No. 03SR024 - Owen Mann Subdivision

A request by the South Dakota Department of Environment and Natural Resources for Black Hills Federal Credit Union was considered for an **11-6-19 SDCL Review of a public utility in a public place** on Lot B of Lot 2 of Tract A, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 118 Kinney Avenue.

Marino reviewed the slides and stated that this property is located immediately adjacent to Fire Station property noting staff's recommendation for approval with stipulations including the requirement for the applicant submit a site plan showing two parking spaces prior to issuance of a building permit.

In response to a question from Wall, Elkins indicated that the Americans With Disabilities Act requires that handicap accessible parking be provided. Shultz explained data collection measures and stated that they have no construction funds available. He requested relief from the parking requirements stating that the air monitoring station is not a public facility and is secured by a fence.

Discussion followed concerning potential alternatives available to the applicant to provide parking on the site.

Jason Green, Assistant City Attorney, reviewed the options afforded the Planning Commission for decisions made under the 11-6-19 SDCL process. Elkins noted that one option available to the applicant is enter into a shared parking agreement with a nearby business.

Discussion followed.

**Hoffmann moved, Schmidt seconded and unanimously carried to continue the 11-6-19 SDCL Review to the April 10, 2003 Planning Commission meeting. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**

\*37. No. 03UR003 - CD Rounds Subdivision

A request by Janell G. Jewett for Children's House Montessori School was considered 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.

Marino indicated that this request was continued from the March 6, 2003 Planning Commission meeting and reviewed slides of the property. He stated that the revised site plan has addressed staff's concerns regarding a hammerhead turnaround and fire hydrant. He added that the Transportation Division has reviewed the increase of traffic at the site and he noted that staff



recommends approval with stipulations.

Schmidt asked if Terry Patterson were present in the audience. Staff stated that she was not present.

**Hoffmann moved, Mashek seconded and unanimously carried to approve the major amendment to a Conditional Use Permit to allow an expansion of an existing private school with the following stipulations:**

**Engineering Division Recommendations:**

1. The applicant shall submit a plan showing the hydrant installation drafted by a licensed engineer prior to issuance of a building permit;

**Building Inspection Division:**

2. Obtain a building permit prior to any construction at the site;

**Fire Department Recommendations:**

3. The installing contractor shall confirm, working with the water department, the gallons per minute (gpm) flow before the system is installed with new flow data that is six months or newer. This data shall be obtained from the nearest water source;
4. When required by the Uniform Fire Code Section 1007 and/or the Building Code, an approved manual, automatic, or manual and automatic fire alarm system shall be designed and installed as per NFPA 72, National Fire Alarm Code. When an occupant wishes to install a fire alarm system, but is not required to do so, it shall be installed as per NFPA 72, National Fire Alarm Code. A fire alarm system is required for the facility. The applicant shall assure proper continuation of the fire alarm system at all times;

**Urban Planning Division Recommendations:**

5. That a maximum number of children at any time shall not exceed 100 children;
6. That the hours of operation shall be from 7:30 a.m. to 5:30 p.m.; and
7. That the Parking and Landscape Ordinance shall be continually met. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall 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.***

38. **Discussion Items**

- A. Schedule Training Session for RapidMap Program

Elkins briefly described the new RapidMap program developed by the GIS Division. She requested that the Planning Commission provide a date for staff to present a hands-on demonstration of the program.

The Planning Commission scheduled the RapidMap demonstration for



Thursday, April 3, 2003 at 11:30 in Council Chambers.

Elkins distributed a copy of a memo provided to City Council on March 17, 2003 on the handicap accessible parking ordinance. She clarified that Council took action to approve the ordinance as recommended by the Planning Commission with no changes.

Elkins advised that the Planning Department has received a request from Western Wireless for an informational review by the Planning Commission to discuss regulations related to cellular communication antennae. She stated that staff would include this as a discussion item at the next Planning Commission meeting.

39. Staff Items

None.

40. Planning Commission Items

None.

41. Committee Reports

Mickelson provided a report from the March 17, 2003 City Council meeting. She stated that she feels items from City Council members should be considered at the end of the agenda as a courtesy to the public. Discussion followed.

**There being no further business Hoffmann moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 9:03 a.m. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and none voting no)**