

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 10, 2003

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MEMBERS PRESENT: Jeff Hoffmann, Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Bob Wall and Stuart Wevik.

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

Chairperson Wevik called the meeting to order at 7:00 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.

Mickelson requested that Item 4 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 11 in accordance with the staff recommendations with the exception of Item 4. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 27, 2003 Planning Commission Meeting Minutes.
2. No. 02PL029 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision 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 24, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.
3. No. 02PL093 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County,

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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 24, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.

5. 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 May 8, 2003 Planning Commission meeting as requested by the applicant.

6. No. 03PL026 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road and Pro Street.

Planning Commission recommended that the Layout Plat be continued to the April 24, 2003 Planning Commission meeting to allow the applicant to submit topographic information and a conceptual drainage plan.

7. No. 03RD003 - Northbrook Village Subdivision

A request by Dream Design International, Inc. to consider an application for a **Road Name Change from Viking Drive to Titan Drive** on Lot 16, Block 2, Lot 6, Block 3, Lots 1 and 14, Block 8, of Northbrook Village Subdivision, located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road and west of Nike Road.

Planning Commission recommended that the Resolution renaming a portion of the road named Viking Drive to Titan Drive be approved.

8. No. 02SR028 - Fountain Springs Business Park

A request by Jerry Gyles for Golden West Technologies to consider an application for a **SDCL 11-6-19 Review of a public utility in Light Industrial Zoning District** on Tract E of Fountain Springs Business Park, Section 27, T2N,

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R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2727 North Plaza Drive.

Planning Commission recommended that the SDCL 11-6-19 Review of a public utility in Light Industrial Zoning District be continued to the April 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

9. No. 03SR002 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **SDCL 11-6-19 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 SDCL 11-6-19 Review of a public facility in a public place be continued to the May 8, 2003 Planning Commission meeting to allow time for the applicant to address floodplain development issues.

10. No. 03SR019 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **SDCL 11-6-19 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 SDCL 11-6-19 Review of public improvements in a public place be continued to the May 8, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit.

11. No. 03SR025 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a road in the section line right-of-way** on the section line highway located between Lots 29 and 30, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a road in the section line right-of-way be continued to the April 24, 2003 Planning Commission meeting to allow the applicant to obtain approval from the Pennington County Board of Commissioners to open the west half of the section line right-of-way.

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

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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.

Mickelson asked if this parcel of land was included in the recently approved Pennington County Tax Increment Financing District.

Elkins advised that this parcel of land is not included in the County's Tax Increment Financing District. She added that the Pennington County Tax Increment District extends farther to the east of the subject property and addressed storm drainage improvements.

Michelson moved and Wall 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 drainage plan shall be revised as necessary to address City Engineering comments and submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
2. **Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised as necessary to address City Engineering comments and submitted for review and approval. In addition, the applicant shall coordinate with Rapid Valley Sanitary District to demonstrate that the downstream facilities can accommodate the additional flows. Off-site utility easements for the proposed extension to Jolly Lane shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the water plans shall be revised as necessary to address City Engineering comments and submitted for review and approval. In particular, a water line shall be constructed in the Elk Vale Road right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans for street improvements shall be submitted for review and approval. The design speed for Homestead Street shall not be less than 30 miles per hour. All other streets shall have a design speed of not less than 25 miles per hour;**
5. **Prior to Preliminary Plat approval by the City Council, the**

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- construction plans for Timmons Boulevard and Berniece Street shall be revised to meet the minimum geometric design standards of a collector road;
6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the dedication of right-of-way for the future cul-de-sac to be located at the northern terminus of Timmons Boulevard;
 7. Prior to Preliminary Plat approval by the City Council, the applicant shall sign an agreement to vacate approximately 300 feet of the east-west leg of Berniece Street once the Homestead Street connection is completed east of the subject property;
 8. Prior to Final Plat approval by the City Council, the Berniece Street agreement to vacate approximately 300 feet of the east-west leg shall be recorded at the Register of Deed's Office;
 9. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lots 4 and 5 of Block 2 and Lots 3 and 4 of Block 5 except for the approved approach locations;
 10. Prior to Final Plat approval by the City Council, a miscellaneous document shall be recorded at the Register of Deed's Office to create a drainage easement for the 1.802 acres located within the northwest corner of the subject property;
 11. No construction shall commence until construction plans for the subdivision improvements have been approved by the City of Rapid City;

Fire Department Recommendation:

12. All Uniform Fire Codes shall be continually met;

Emergency Services Communication Center Recommendation:

13. Prior to Final Plat approval by the City Council, a revised road name for the east west leg of Timmons Boulevard shall be submitted for review and approval. In addition, the plat document shall revised to show the approved road name;

Urban Planning Division Recommendations:

14. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to eliminate Lot 1 of Block 1, Lot 1 of Block 5 and Lot 1 of Block 6 or road construction plans for the adjacent roadway(s) shall be submitted for review and approval;
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 fee shall be paid.

Hani Shafai, Dream Design International, expressed concerns with stipulations 1 thru 7 and 14. He stated that in his opinion the stipulations outlined in the staff report do not adequately reflect the status of the project. He also expressed concern that the public will view the staff report as an indication of lack of performance on Dream Design International's part. Shafai requested that the Planning Commission remove stipulations 1 thru 7 and 14 as those items have



already been addressed.

Discussion followed concerning stipulations 1 thru 5 and 14, staff review of the construction plans, water plans, drainage plans, sewer plans, and the geometric design standards for the collector road.

Wevik clarified that staff would like the stipulations to remain in the staff report as part of the record.

Wall stated that in his opinion he does not see any compelling reason to remove the stipulations from the staff report.

In response to a question by Schmidt, Shafai stated that there will be no problem with complying with the remaining stipulations prior to the City Council meeting.

Elkins explained the Planning Commission and City Council meeting process. She added that staff does not revise the staff report or Planning Commission's action after an item has been presented to the Planning Commission. She stated that if the stipulations are not met prior to the City Council meeting, staff will pull that item from the City Council agenda and indicate that the stipulations of approval have not been met. She advised that prior to the City Council meeting, staff will determine if all of the stipulations of approval have been met and advise the City Council of such and the item is then approved with the stipulations outlined in the staff report.

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

The vote on the motion carried unanimously to approved the Preliminary and Final Plat with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Preliminary Plat approval by the City Council, the drainage plan shall be revised as necessary to address City Engineering comments and submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 2. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised as necessary to address City Engineering comments and submitted for review and approval. In addition, the applicant shall coordinate with Rapid Valley Sanitary District to demonstrate that the downstream facilities can accommodate the additional flows. Off-site utility easements for the proposed extension to Jolly Lane shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised as necessary to address City Engineering comments and submitted for review and approval. In particular, a water line shall be constructed in the Elk Vale Road right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, construction pans for street improvements shall be submitted for review and approval. The design speed for Homestead Street shall not be less**

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- than 30 miles per hour. All other streets shall have a design speed of not less than 25 miles per hour;
5. Prior to Preliminary Plat approval by the City Council, the construction plans for Timmons Boulevard and Berniece Street shall be revised to meet the minimum geometric design standards of a collector road;
 6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the dedication of right-of-way for the future cul-de-sac to be located at the northern terminus of Timmons Boulevard;
 7. Prior to Preliminary Plat approval by the City Council, the applicant shall sign an agreement to vacate approximately 300 feet of the east-west leg of Berniece Street once the Homestead Street connection is completed east of the subject property;
 8. Prior to Final Plat approval by the City Council, the Berniece Street agreement to vacate approximately 300 feet of the east-west leg shall be recorded at the Register of Deed's Office;
 9. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lots 4 and 5 of Block 2 and Lots 3 and 4 of Block 5 except for the approved approach locations;
 10. Prior to Final Plat approval by the City Council, a miscellaneous document shall be recorded at the Register of Deed's Office to create a drainage easement for the 1.802 acres located within the northwest corner of the subject property;
 11. No construction shall commence until construction plans for the subdivision improvements have been approved by the City of Rapid City;

Fire Department Recommendation:

12. All Uniform Fire Codes shall be continually met;

Emergency Services Communication Center Recommendation:

13. Prior to Final Plat approval by the City Council, a revised road name for the east west leg of Timmons Boulevard shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road name;

Urban Planning Division Recommendations:

14. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to eliminate Lot 1 of Block 1, Lot 1 of Block 5 and Lot 1 of Block 6 or road construction plans for the adjacent roadway(s) shall be submitted for review and approval;
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 fee shall be paid. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

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

Mickelson requested that Items 19 thru 24 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 12 thru 28 in accordance with the staff recommendations with the exception of Items 19 thru 24. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

12. No. 03CA004 - Section 5, T1N, R8E
A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on 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 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 be approved.

13. No. 03RZ007 - Section 5, T1N, R8E
A request by the City of Rapid City to consider an application 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 District to General Commercial District be approved in conjunction with the related Amendment to the Comprehensive Plan.

14. No. 03CA005 - Section 5, T1N, R8E
A request by the City of Rapid City to consider an application for an **Amendment**



to the Comprehensive Plan to change the future land use designation on a 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 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 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, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial be approved.

15. No. 03RZ008 - Section 5, T1N, R8E
A request by the City of Rapid City to consider an application 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 District to Light Industrial District be approved in conjunction with the related Amendment to the Comprehensive Plan.

16. No. 03CA007 - Superpumper Addition
A request by DLK Engineering for South Creek Village Limited Partnership to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the Southeast corner of Lot 2 Fellowship

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Addition and the Southwest corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S°89°37'12"E a distance of 171.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 149.26 feet more or less to the True Point of Beginning, more generally described as being located northwest of the intersection of Cambell Street and Fairmont Boulevard.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial be continued to the April 24, 2003 Planning Commission meeting to allow the Future Land Use Committee to review the request.

17. No. 03PL028 - Superpumper Addition

A request by DLK Engineering for South Creek Village Limited Partnership to consider an application for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Cambell Street and Fairmont Boulevard.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 24, 2003 Planning Commission meeting to allow the applicant to submit a revised plat document.

18. No. 03RZ015 - Superpumper Addition

A request by DLK Engineering for South Creek Village Limited Partnership to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the Southeast corner of Lot 2 Fellowship Addition and the Southwest corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S°89°37'12"E a distance of 171.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 149.26 feet more or less to the True Point of Beginning, more generally described as being located northwest of the intersection of Cambell Street and Fairmont Boulevard.

Planning Commission recommended that the Rezoning from Medium Density Residential District to General Commercial District be continued to the April 24, 2003 Planning Commission meeting to allow the Future Land Use Committee to review the request.



*25. No. 03PD011 - Northbrook Village Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to reduce the front yard setbacks on 18 lots** on the SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Country Road and Nike Road.

Planning Commission approved the Major Amendment to a Planned Residential Development to reduce the front yard setbacks on 18 lots with the following stipulations:

Transportation Planning Division Recommendations:

1. The applicant shall verify that pedestrian access via sidewalks remains open at all times by ensuring that the offstreet parking on the lot remains out of the right of way and off the sidewalk;

Urban Planning Division Recommendations:

2. Any reduction in setbacks shall be granted for only Lots 18-24 of Block 4, Lots 5-10 of Block 8, and Lots 18-22 of Block 8;
3. The maximum amount the front yard setbacks can be reduced on the proposed lots shall be 15 feet for the main dwelling unit and 18 feet between the garage door and any front property line;
4. All other provisions of the Low Density Residential Zoning Ordinance including side yard and rear yard setbacks shall be met at all times, or a major amendment to the Planned Residential Development shall be obtained; and,
5. All stipulations of the original Planned Residential Development to Northbrook Village approved by City Council on December 17, 2001 shall be met at all times.

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

*26. No. 03PD014 - Section 9, T1N, R7E

A request by Chris Connelly and Chad Myers to consider an application for an **Initial and Final Development Plan - Planned Residential Development** on Lots 35 thru 38 of Lot 3 in the NE1/4 NW1/4, Block 2, Schamber Section 9 NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3925 Canyon Lake Drive.

Planning Commission continued the Initial and Final Development Plan – Planned Residential Development be continued to the April 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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

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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 and sidewalk be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that the Variance to the Subdivision Regulations to waive the requirement to install water be approved contingent upon a water line being constructed to the northwest corner of the subject property within the Elk Vale Road right-of-way.

28. No. 03SV012 - Enchanted Hills No. 4

A request by Kent Snow to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as regulated by Chapter 16.12 of the Municipal Code** on Lots 37R, 38R and 39R, Enchanted Hills No. 4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved.

---END OF HEARING CONSENT CALENDAR---

Fisher requested that Items 19 thru 24 be considered concurrently.

*19. No. 03PD009 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Planned Development Designation** on that portion of the N1/2 of Government Lot 2 located within 550 feet of the Catron Boulevard right-of-way, of the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

*20. No. 03PD010 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Planned Development Designation** on the S1/2 of Government Lot 2 located within 550 feet of Catron Boulevard right-of-way of the

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SW1/4 of the NW1/4 less Highway 16B right-of-way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

21. No. 03RZ010 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on the south 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 less Highway 16B right-of-way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

22. No. 03RZ011 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on the north 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

23. No. 03RZ012 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on the south 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

24. No. 03RZ013 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II** on the north 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard.

In response to a question by Mickelson, Fisher advised that the applicant has posted the signs on the property and returned the certified mailing receipts.

In response to a question by Hoffmann, Elkins explained that the Rezoning and the Planned Development requests are in accordance with the adopted Future Land Use Plan for this area that has been approved by the City Council.

Elkins added that the City Council directed staff to contact interested property owners in the area to the west of the subject property to make them aware of the current applications.

Hoffmann moved, Stone seconded and unanimously carried to approve

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both of the Planned Development Designations in conjunction with the associated rezoning requests with the condition that no sign permits or billboards shall be allowed unless approved as a part of a Final Development Plan; and recommended that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the Planned Development Designation; that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation; that the Rezoning from General Agriculture District to Medium Density Residential District be approved; and, that the Rezoning from General Agriculture District to Low Density Residential District II be approved. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

The Rapid City Planning Commission's action on both of the Planned Development Designations (03PD009 and No. 03PD010) 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Marino requested that Items 29 thru 31 be considered concurrently.

29. No. 03CA006 - Section 3, T1N, R7E
A request by Dream Design International, Inc. for Delores Catron to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 Jackson Boulevard.
- *30. No. 03PD012 - Section 3, T1N, R7E
A request by Dream Design International, Inc. for Delores Catron to consider an application for a **Planned Development Designation** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 Jackson Boulevard.
31. No. 03RZ014 - Section 3, T1N, R7E
A request by Dream Design International, Inc. for Delores Catron to consider an application for a **Rezoning from Medium Density Residential District to Office 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.

Marino explained that Staff is recommending that Items 29 thru 31 be continued to the April 24, 2003 Planning Commission meeting to the allow these items to be advertised correctly.



Hoffmann moved, Wall seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial, the Planned Development Designation and the Rezoning from Medium Density Residential District to Office Commercial District be continued to the April 24, 2003 Planning Commission meeting. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

*32. No. 03PD013 - Riverside Subdivision

A request by Randy Hildebrant to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 29 thru 31 less Lot H1, Block 2, Riverside Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 West Omaha Street.

Fisher presented the request and reviewed the slides of the property, stipulations and staff's recommendation. She added that the applicant has worked earnestly with staff and the South Dakota Department of Transportation to utilize this site and still dedicate the right-of-way for the reconstruction and expansion of Omaha Street.

In response to a question by Schmidt, Fisher advised that the sign has been posted on the property and the certified mailing receipts have been returned. She added that she has not received any phone calls regarding this application.

In response to a question by Schmidt, Fisher explained that if there is a change in use of the property, then sufficient off-street parking would need to be provided.

Wall expressed concerns with parking along 12th Street.

Hoffmann moved, Mickelson seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

Fire Department Recommendation:

1. All Uniform Fire Codes shall be continually met;

Building Inspection Division Recommendation:

2. 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:

3. The commercial development shall conform architecturally to the plans and elevations submitted as part of this Initial and Final Planned Commercial Development;
4. The proposed sign(s) shall conform architecturally to the plans and elevations submitted as part of this Initial and Final Planned Commercial Development. Any additional signage, in compliance

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with the Sign Code, shall require the review and approval of a Minimal Amendment;

5. A minimum zero yard setback along Twelfth Street, Executive Street and the adjacent property located directly east of the subject property shall be allowed with the stipulation that a minimum 11.08 foot front yard setback shall be provided along Omaha Street. In addition, no part of the structure shall encroach into the sight triangle at the Twelfth Street/Omaha Street intersection;
6. The off-street parking shall be reduced from 21 parking spaces to zero parking spaces with the stipulation that the property shall be used as a floor covering business as proposed. No additions, expansions an/or change in use shall be allowed until such time as sufficient off-street parking can be provided;
7. A maximum 77% lot coverage shall be allowed in lieu of 75% with the stipulation that no additional lot coverage be allowed;
8. An unloading area shall be allowed within the Executive Street right-of-way located directly north of the property with the stipulation that no unloading area shall be allowed within the Twelfth Street right-of-way;
9. A minimum of 4,250 landscaping points shall be provided as shown on the applicant's site plan; and,

Engineering Department Recommendation:

10. Any on-street parking located along the west lot line shall be revised and/or improved as necessary to meet the City's applicable on-street parking standards. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

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

33. **No. 03PL027 - Terracita Park Subdivision**

A request by Renner & Sperlich Engineering Company for Walgar Development to consider an application for a **Layout, Preliminary and Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of 5th Street and Minnesota Street.

Kurtenbach presented the application and reviewed the slides of the subject property and staff's recommendation.

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In response to a question by Schmidt, Kurtenbach advised that there are a few items that will need to be submitted prior to City Council approval.

In response to a question by Michelson, Elkins advised that Walgar Development owns the property to the west of the subject property along Anamaria Drive. She added that the property further to the west is owned by 3T's and that they are pleased to have this 115 feet of Minnesota Street completed as they have been struggling with their development moving forward due to the 40 unit rule.

Stone moved, Wall seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, a) the plat shall be revised to identify Minnesota Street right of way and a pedestrian access and utility easement to Alta Vista Drive, or the Layout, Preliminary, Final Plat request for the adjacent property to the west (03PL034) shall be approved by City Council in conjunction with this plat request; b) A non-access easement along Minnesota Street and Alta Vista Drive shall be identified on the plat as per the Street Design Criteria Manual prior to Final Plat approval;**
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall revise engineering plans and the plat according to the redline comments for review and approval; and, the redline comments shall be returned to Engineering Staff;**

Urban Planning Division Recommendations:

3. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
 4. **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. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)**
34. **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 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.

Fisher stated that the Planning Commission continued this request from the March 27, 2003 Planning Commission meeting to allow the applicant to provide a list of the committee members that would be participating in this event, a statement identifying the intent of the committee and a list of potential vendors. She added that to date staff has not received a list of the Seventh Street Promenade Committee members or a letter identifying the intent of the

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committee. Fisher stated that staff is recommending that the SDCL 11-6-19 Review be approved with stipulations.

Tyler Joany apologized for not submitting the requested information to the Planning Commission in a timely manner. He stated that the Seventh Street Promenade Committee members consist of Steve Rollings, Sandra Thirstrup and himself. He added that Barb Gill is a participant but not a committee member.

Wall stated that he supports the project and thinks it will be very popular.

In response to a question by Schmidt, Green advised that the Police Department and the Public Works Director have authority to shut the Seventh Street Promenade Project down if there are any problems with the event.

Discussion followed concerning the stipulations of approval.

Bill Knight, Fire Department, explained that staff has reviewed this project in depth and feel that the twenty foot emergency service access lane is adequate for the proposed site. He added that staff will monitor the event on a consistent basis and if there are violations or overwhelming concerns the Fire Department also has authority to shut the event down.

Hoffmann stated that he supports the event but expressed concerns with disturbing tenants who live in the apartments above the subject property.

Michelson expressed concerns that the event will conflict with other groups such as the Farmer's Market, the Black Hills Heritage Festival and downtown business merchants.

In response to a question by Mickelson, Joany stated that the Seventh Street Promenade Committee planned to operate as a non-profit organization and would use any revenues from the event to offer art classes for children. He added that if the event become profitable they would like to support art and music programs in the community and schools.

Wall pointed out that the applicant must obtain the review and approval of a new SDCL 11-6-19 Review if the event within the public right-of-way is proposed again in the future. He added that in his opinion he thinks it is a worthwhile project and plans to recommend approval.

In response to a question by Schmidt, Green advised that the tenants would have a possible cause for action for Disturbing the Peace if the event became too noisy.

Hoffmann moved, Prairie Chicken seconded and carried to recommend that the SDCL 11-6-19 Review to allow street dances, movies and vendors in public right of way be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Temporary barricades shall be placed across Seventh Street at the**

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north and south end of the proposed site during the time of the promenade. In addition, barricades shall be placed in the two alleys as they extend east and west from Seventh Street. In addition, signs shall be posted at the Eighth Street and the Sixth Street alley entrance points, respectively, identifying that the alley is barricaded and that no parking within the alley is allowed;

2. Trash cans shall be provided as identified. In addition, the applicant shall continually monitor and pick-up the site to preclude trash from entering the storm sewer system;

Fire Department Recommendations:

3. A twenty foot emergency service access lane shall be provided through the proposed site;
4. The movie screen and all booths shall be constructed of fire retardant material(s);

Building Inspection Division Recommendation:

5. An Electrical Permit shall be obtained for any and all electrical work, per the State Wiring Bulletin and the Rapid City Municipal Code. All electrical work shall be performed by a licensed electrical contractor;

City Attorney's Office Recommendation:

6. A Parade Permit shall be obtained from the Rapid City Police Department for each of the proposed weekend(s);

Urban Planning Division Recommendations:

7. The promenade shall take place from 6:00 p.m. to 12:00 p.m. on Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday beginning on Memorial Day Weekend and ending on Labor Day Weekend, 2003 only. The promenade shall consist of a street dance, movies and vending booths on Saturday and vending booths only on Sunday. A maximum of 35 vending booths shall be allowed at any one time;
8. All structures including chairs, booths, portable restrooms, trash receptacles and temporary barricades shall be removed Sunday night immediately following the event. The structures may remain Saturday night if security officer(s) are on duty throughout the night. (6 to 1 with Hoffmann, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and Mickelson voting no)

35. **No. 03SR024 - Owen Mann Subdivision**

A request by the South Dakota Department of Environment and Natural Resources for Black Hills Federal Credit Union to consider an application 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 advised that this request was last heard on March 27, 2003 and was continued so that the applicant could provide additional information. He stated that no new information has been submitted since that time and staff is recommended that the SDCL 11-6-19 Review be continued to the April 24, 2003 Planning Commission meeting.

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Stone moved, Wall seconded and carried unanimously to recommend that the SDCL 11-6-19 Review of a public utility in a public place be continued to the April 24, 2003 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, Wall and Wevik voting yes and none voting no)

Bulman requested that Items 36 and 37 be considered concurrently.

36. No. 03TI003 - Century "21" Subdivision

A request by Charles Barker for A/R Group to consider an application for a **Resolution Creating Tax Increment District #39** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.

37. No. 03TI004 - Century "21" Subdivision

A request by Charles Barker for A/R Group to consider an application for a **Tax Increment District #39 - Project Plan** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H7 of the S1/2NW1/4

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located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.

Bulman presented the requests and reviewed the slides of the subject property, zoning, existing land use, and the proposed improvements. She explained that the creation of this Tax Increment District would facilitate the development of this commercial property. She added that the project costs include the relocation of Western Area Power Administration power lines that cross the site, extension of existing water and sewer to the site, and construction of traffic signals and turn lanes on East North Street. Bulman reviewed the over sizing cost to the City for the construction of 1300 lineal feet of Anamosa Street, including the cost of acquiring the right-of-way in excess of 100 feet. She explained that this Tax Increment Plan will allow this commercial area to develop by assisting with infrastructure costs and will also enable the City to recover some of the costs associated with their portion of the Anamosa Street construction.

Michelson expressed her concerns with the proliferation of Tax Increment Financing Districts. She questioned the vote of the Tax Increment Financing Project Review Committee concerning this project, the amount of taxes that will be transferred to the citizens of Rapid City through the school district, the assessed value, the notification of area property owners that would be affected by this project, and the availability of other funding sources.

Wevik advised that he is on the Tax Increment Financing Project Review Committee and he voted in support of this project. He added that the vote on this project was not unanimous as typically the City Attorney's staff votes against Tax Increment Financing Districts.

Jason Green, Assistant City Attorney, explained that he was at the Tax Increment Financing Project Review Committee meeting and voted against the project as he did not feel that this project met the statutory requirement for a blighted property.

Wevik stated that in his opinion the land fits the criteria for a blighted property and deems the transfer of taxes as short term. He added that without the

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development of this property, the land would most likely sit undeveloped and then there would be no increase in taxable valuation or overall taxes generated in revenues for the City, County or School District.

Bulman reviewed a chart outlining all of the Tax Increment Financing Districts. She explained that there would be an increase of \$0.36 per \$100,000 of value for residential property taxes for the first year. She added that as the increment and the District value grows, subsequent years will change.

Discussion followed.

Elkins reiterated that the numbers on the chart will change each year based on the valuation of the District and as the value of the increment increases so does the dollar amount that the taxpayers have to make up.

Mickelson stated that in her opinion she believes that there are other sources of funding available and that this property would be developed in the very near future even if the Planning Commission voted to deny the application today.

Discussion followed concerning mandatory criteria and the notification of surrounding property owners.

Schmidt concurred with Mickelson's concerns.

Schmidt moved and Prairie Chicken seconded to continue the Resolution Creating Tax Increment District #39 and the Tax Increment District #39 - Project Plan to the April 24, 2003 Planning Commission meeting.

Wall stated that in his opinion he believes that the statutory requirements have been met and supports the establishment of Tax Increment Financing Districts. He added that these projects increase the community's economic vitality while expanding the City's property and sales tax base.

Hoffmann stated that he does not support the motion to continue and added that in his opinion the Planning Commission has enough information to make a decision today.

Wall left the meeting at 8:30 a.m.

Lawrence Kostaneski, Centerline Inc. for A/R Group asked the Planning Commission to make a decision today and not continue this item.

Discussion followed concerning the Tax Increment Financing Committee's recommendation and the criteria for determining a blighted area.

The vote on the motion to continue Items 36 and 37 to the April 24, 2003 Planning Commission failed. (2 to 4 with Prairie Chicken and Schmidt voting yes and Hoffmann, Mickelson, Stone and Wevik voting no)

Hoffmann moved, Stone seconded and carried to approve the Resolution

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Creating Tax Increment District #39 and to approve the Tax Increment District #39 Project Plan and Resolution. (5 to 1 with Hoffmann, Prairie Chicken, Schmidt, Stone and Wevik voting yes and Michelson voting no)

38. Discussion Items

A. Proposed Microcell Cellular Communications Facility Ordinance Amendment - Verizon Wireless

Fisher explained that she had received a letter from Verizon Wireless in which they were requesting an opportunity to speak with the Planning Commission regarding allowing microcell cellular communication facilities on buildings located in the High Density Residential District. She pointed out that the request is to allow the placement of antennas on building that are in excess of 80 feet. She advised that in the High Density Residential District there is a maximum height allowance of 65 feet or seven stories.

Ken Weber, Megacom for Verizon Wireless, reviewed Verizon's attempts to provide better coverage in the south Rapid City area for their users and potential users. Weber added that he has been working on this project for approximately two years and in his opinion Verizon Wireless has exhausted all opportunities for alternative locations in this area. Weber stated that he still believes that placing antennas on a penthouse on the rooftop of the Pennington County High Rise would have the least impact on the community. He added that the only other viable option would be to find a piece of property to build a tower.

Hoffmann expressed concerns with safety and health issues and stated that he would not support the placement of cell towers in the High Density Residential District.

Michelson concurred with Hoffmann.

Weber stated that representatives from Verizon did contact Pennington County Housing regarding rezoning the property. He explained that this is not an option as there is a stipulation in their deed from the Catholic Diocese that the property can only be used for residential uses.

Ralph Winegarden, Falk and Foster for Western Wireless, reviewed the Federal Communication Commission's regulations regarding radio emissions, maximum permissible exposure from free standing cellular facilities and health issues. He explained that the radiated power expected from the proposed rooftop sectorized antennas would be less than the FCC standards and believes that there would be minimal safety concerns.

Discussion followed concerning Planning Commission's options regarding placement of cell towers in the High Density Residential District.

Stone concurred with Hoffmann's concerns regarding safety and health issues.

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Schmidt moved, Hoffmann seconded and unanimously carried to table the discussion of the proposed microcell cellular communications facility ordinance amendment. (6 to 0 with Hoffmann, Prairie Chicken, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

39. Staff Items
None

40. Planning Commission Items
None

41. Committee Reports
Hoffmann provided a brief report of the April 7, 2003 City Council meeting regarding the Rapid Valley annexation and the Conditional User Permit to allow an On-Sale Liquor Establishment for Perkins Restaurant. Wevik advised that he will attend the April 21, 2003 City Council meeting.

There being no further business Prairie Chicken moved, Schmidt seconded and unanimously carried to adjourn the meeting at 9:03 a.m. (6 to 0 with Hoffmann, Mickelson, Prairie Chicken, Schmidt Stone, and Wevik voting yes and none voting no)