

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 22, 2003

MEMBERS PRESENT: Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Bob Wall and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jeff Marino, Tom Kurtenbach, Jason Green, Bill Knight, Randy Nelson, Rod Johnson, 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.

Staff requested that Item 15 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall request that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration. A member of the audience requested that Items 16 and 17 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Stone seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Items 9, 15, 16 and 17. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the May 8, 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 June 5, 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

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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 June 5, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.

4. 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 June 26, 2003 Planning Commission meeting to allow the applicant to submit topographic information and a conceptual drainage plan.

5. No. 03SR025 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to allow the construction of a road in the section line highway** on in the NW1/4 of Section 29, T1N, R7E and the NE1/4 of Section 30, T1N, R7E, Red Rock Estates, Sections 29 and 30, 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 be continued to the June 26, 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.

6. No. 03PL042 - Trailwood Village

A request by Renner and Sperlich Engineering Co. for Gordon Howie to consider an application for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Pluto Drive and Reservoir Road.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall review the Engineering Division red line comments on the submitted construction plans, including the drainage plans, and submit revised plans, as necessary;
2. Prior to Final Plat approval by the City Council, the plat shall be revised to identify sewer and non-access easements in accordance with the Engineering Division red line revisions;
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit revised plans for water and sewer improvements for review and approval by the City Engineering Division and Rapid Valley Sanitary District;
4. Prior to Preliminary Plat approval by the City Council, final street names shall be submitted for review and approval, and shall be identified on the final construction plans;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating the legal entity responsible for providing street maintenance and snow removal on the proposed subdivision dedicated rights-of-way;

Pennington County Emergency Services Communications Center Recommendations:

6. Prior to Final Plat approval by the City Council, final street names shall be submitted for review and approval with the Emergency Services Communications Center staff. In addition, the plat document shall be revised to show the approved road names;

Fire Department Recommendations:

7. Prior to Preliminary Plat approval by the City Council, the applicant shall identify fire hydrant(s) on the plans along Williams Street, A Street and Reservoir Road as per City and Uniform Fire Code requirements;

Pennington County Highway Recommendations:

8. Prior to Preliminary Plat approval by City Council, the plat shall be revised to identify the major drainage easement traversing Lots 1, 4 and 5; Block 18. The applicant shall demonstrate that the affected lots retain a buildable area;
9. Prior to Preliminary Plat approval by City Council, the plat shall be revised to clearly identify the right of way dedication for Reservoir Road;
10. Prior to Preliminary Plat approval by the City Council, the applicant shall review the drainage comments with the Pennington County Highway staff, and submit revised drainage plans for review and approval, as necessary;

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, the applicant shall include the Finance Officer assessment certificate on the plat;
12. Prior to Final Plat approval by the City Council, the applicant shall

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revise the plat to comply with the length to width lot configuration requirement for Lots 4 and 5, Block 18, or the applicant shall obtain a Subdivision Regulations Variance to waive the length to width requirement;

13. Prior to Final Plat approval by the City Council, the applicant shall revise the plat to include Lot 12, Block 21;
 14. Prior to Preliminary Plat approval by the City Council, the applicant shall provide complete engineering plans for water, sewer, paving, curb and gutter, street light conduit, and sidewalks along Williams Street, A Street, C Street, B Court and D Court, or obtain a Subdivision Regulations Variance to waive the required improvements;
 15. Prior to Preliminary 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. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)
7. No. 03PL044 - Knight's Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Knight to consider an application for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Longview Road and west of Anderson Road.

Planning Commission recommended that the Preliminary and Final Plat be continued to the June 5, 2003 Planning Commission meeting to allow the applicant to submit additional storm water information and a revised site plan.

8. No. 03PL045 - Marshall Heights Tract

A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz to consider an application for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 North Maple Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the June 5, 2003 Planning Commission meeting to allow the applicant to submit additional information.

10. No. 03RD005 - Dunham Estates Subdivision

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A request by George Dunham for Wardunham Enterprises, LLC to consider an application for a **Resolution Renaming Stuart Peak Lane to Tahoe Peak Place** on the Stuart Peak Lane right-of-way adjacent to Lots 1 and 2, Block 3; Lots 2 and 3, Block 4; Dunham Estates Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Planning Commission recommended that the Resolution renaming Stuart Peak Lane to Tahoe Peak Place be approved.

11. No. 03RD006 - Dunham Estates Subdivision

A request by George Dunham for Wardunham Enterprises, LLC to consider an application for a **Resolution Renaming Dixon Court to Twin Peak Lane** on the Dixon Court right-of-way adjacent to Lots 1 through 11, Block 5, Dunham Estates Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Planning Commission recommended that the Resolution renaming Dixon Court to Twin Peak Lane be approved.

12. No. 03SR002 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public facility in a public place** on Lots 6 and 7, Block 6, Bradsky Subdivision; Tracts 35 and 36, Rapid City Greenway Tract, all located in 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 be continued to the June 5, 2003 Planning Commission meeting to allow time for the applicant to address floodplain development issues.

13. No. 03SR019 - Rapid City Greenway Tract

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

Planning Commission recommended that the SDCL 11-6-19 Review be continued to the June 5, 2003 Planning Commission meeting to allow time for the applicant to address floodplain development issues.

14. No. 03SR023 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public 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 recommended that the SDCL 11-6-19 Review be

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continued to the June 5, 2003 Planning Commission meeting to allow a special exception to the floodplain development permit be obtained.

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

9. No. 03PL050 - Schoenfelder Subdivision

A request by Mark Polenz for Daniel Schoenfelder to consider an application for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 3505 Western Avenue.

Wall expressed his concern with the right-of-way width of Western Avenue and the number of lots allowed at the south end of Evergreen Drive.

Elkins explained the plat for the Steele Subdivision cul-de-sac is located adjacent to the subject property.

Discussion followed concerning Western Avenue, the acquisition of additional right-of-way and the lack of notification of adjacent property owners through the subdivision plat process.

Wall moved and Mashek seconded to recommend that the Preliminary Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall identify an additional five and one half feet as Western Avenue right of way;
2. Prior to Final Plat approval by the City Council, the applicant shall install No Parking sign(s) along Western Avenue, or post surety for the required sign(s);
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a topographic and structural survey. A drainage plan shall be submitted for proposed Lot B;
4. Prior to Preliminary Plat approval by the City Council, the utility and minor drainage note on the plat shall be revised according to the Engineering staff red line comments;
5. Prior to Preliminary Plat approval by the City Council, an eight feet drainage easement shall be identified along the south lot line;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating that the Leedy Irrigation Ditch Association is in agreement with the proposed development;
7. Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans for a sanitary sewer stub to proposed Lot B for review and approval;

Urban Planning Division Recommendations:

8. Prior to Final Plat approval by the City Council, a subdivision estimate

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form shall be submitted for review and approval;

9. Prior to Final Plat approval by the City Council, sidewalk improvements to Evergreen Drive shall be completed, or a Variance to the Subdivision Regulations shall be obtained to waive the requirement; and,
10. 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.

Schmidt suggested continuing the Preliminary Plat request and direct staff to notify adjacent property owners.

The vote on the motion unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall identify an additional five and one half feet as Western Avenue right of way;
2. Prior to Final Plat approval by the City Council, the applicant shall install No Parking sign(s) along Western Avenue, or post surety for the required sign(s);
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a topographic and structural survey. A drainage plan shall be submitted for proposed Lot B;
4. Prior to Preliminary Plat approval by the City Council, the utility and minor drainage note on the plat shall be revised according to the Engineering staff red line comments;
5. Prior to Preliminary Plat approval by the City Council, an eight feet drainage easement shall be identified along the south lot line;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating that the Leedy Irrigation Ditch Association is in agreement with the proposed development;
7. Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans for a sanitary sewer stub to proposed Lot B for review and approval;

Urban Planning Division Recommendations:

8. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
9. Prior to Final Plat approval by the City Council, sidewalk improvements to Evergreen Drive shall be completed, or a Variance to the Subdivision Regulations shall be obtained to waive the requirement; and,
10. 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. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

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15. 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 explained that staff is recommending that the 11-6-19 SDCL Review of a public utility in a public place be continued to the June 5, 2003 Planning Commission meeting as the stipulations of approval have not been met.

Wall moved, Stone seconded and unanimously carried to continue the SDCL 11-6-19 Review to the June 5, 2003 Planning Commission meeting. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

16. No. 03SR028 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review of a public use in a public place** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street between Brennan Avenue and Elm Avenue.

Wevik clarified that the staff's recommendation is to continue the 11-6-19 SDCL Review of a public use in a public place to the June 5, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

Stone moved, Schmidt seconded and unanimously carried to continued the SDCL 11-6-19 Review be continued to the June 5, 2003 Planning Commission meeting to allow the applicant time to submit additional information. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

17. No. 03SR030 - Rapid City Greenway Tract

A request by Mark Parette for Black Hills Corporation to consider an application for an **SDCL 11-6-19 Review of a temporary structure in a public place** on Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North 5th Street.

Wevik clarified that the staff's recommendation is to approve the 11-6-19 SDCL Review of a temporary structure in a public place with stipulations.

Mark Parette, Black Hills Corporation, explained that Black Hills Corporation plans to utilize the park for an employee appreciation day and in his opinion this was a great use of the park system.

In response to Green, Wevik advised that he would abstain from voting on this item.

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Mashek moved, Schmidt seconded and unanimously carried to recommend that the SDCL 11-6-19 Review a temporary structure in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. All temporary structures must be kept out of the floodway at all times;

Fire Department Recommendations:

2. All provisions regarding an outdoor assembly event must be met at all times;
3. An application and site layout must be submitted to the Fire Department for review and approval at least 30 days in advance of the event; and

Urban Planning Division Recommendations:

4. The temporary use shall be approved for June 28, 2003 only.
5. All structures, including portable toilets and tents, shall be torn down and removed from the site prior to 11:59 p.m., June 28, 2003. (5 to 0 with Mashek, Prairie Chicken, Schmidt, Stone and Wall voting yes, none voting no and Wevik abstaining)

-HEARING CONSENT AGENDA-

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

Staff requested that Item 24 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Items 20, 21 and 25 be removed from the Hearing Consent Agenda for separate consideration.

Schmidt moved, Mashek seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 18 thru 26 in accordance with the staff recommendations with the exception of Item 24. (6 to 0 Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

18. No. 03CA006 - Section 3, T1N, R7E
Comprehensive Plan Amendment – Summary of Adoption Action to change the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial with 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.

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

- *19. No. 03PD018 - Elks Country Estates
A request by Hagen Glass Company for James and Rhoda Blasser to consider

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an application for a **Major Amendment to a Planned Residential Development** on Lot 9 of Block 1, Elks County Estates Subdivision, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3781 Jolly Lane.

Planning Commission approved the Major Amendment to a Planned Residential Development be approved with the following stipulations:

Urban Planning Division Recommendations:

1. **A reduced setback of 8.5 feet is hereby authorized through the Planned Residential Development for the proposed sunroom addition only; any other additions must comply with the setbacks of the Low Density Residential II Zoning District, or a major amendment shall be obtained; and**
2. **All stipulations of the previously approved Planned Residential Development 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.

22. **No. 03SV019 - Heartland Retail Center – One**

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Rd., thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning, more generally described as being located east of North Elk Vale Road on Columbia Boulevard.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Elk Vale Road be approved with the following stipulations:

Engineering Division Recommendations:

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1. **Prior to City Council approval, construction plans shall be submitted for review and approval showing a water line extending along Elk Vale Road or surety shall be posted for the design and construction of the water line; and,**
 2. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit and sewer along Elk Vale Road as it abuts the subject property.**
23. No. 03PL049 - Heartland Retail Center - One
A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 3, Block 1; Lots 1 thru 2, Block 2; and dedicated streets location in a portion of the SW1/4SW1/4 of Section 27 and a portion of the NW1/4 NW1/4 of Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Rd., thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"W, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning, more generally described as being located east of North Elk Vale Road on Columbia Boulevard.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that run-off from the proposed subdivision will be managed in accordance with the City of Rapid City Drainage Criteria Manual and applicable policies, regulations or ordinances;**
2. **Prior to Preliminary Plat approval by the City Council, revised construction plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, all phasing limits for construction shall be indicated on the construction plans;**
3. **All construction of required subdivision improvements shall be in accordance with the construction plans approved by the City of Rapid**

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City Engineering Division. No construction shall be initiated until construction plans have been approved;

Fire Department Recommendation:

4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide fire hydrants along the north side of Columbia Boulevard. The location of the fire hydrants shall be coordinated with the Fire Department;

South Dakota Department of Transportation Recommendations:

5. Prior to Preliminary Plat approval by the City Council, an approach permit for Columbia Boulevard shall be obtained. In addition, a traffic study shall be submitted for review and approval to determine the design and control of the approach or the construction plans shall be revised to show the signalization of the approach;
6. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the reduction of the shoulder width from eight feet to four feet along that portion of Elk Vale Road that will be designed to provide a turn lane;

Emergency Services Communication Center Recommendation:

7. Prior to Final Plat approval by the City Council, a different road name for "Columbia Boulevard" shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road name;

Register of Deed's Office Recommendation:

8. Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate the word "One" from the title;

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
10. 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.

*26. No. 03UR007 - Original Town of Rapid City

A request by Quincy Professional Trust to consider an application for a **Conditional Use Permit to allow professional offices in High Density Residential District** on Lot 26 and the west 19 feet of Lot 27, Block 101, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 914 Quincy Street.

Planning Commission continued the Conditional Use Permit to allow professional office in a High Density Residential District to the June 5, 2003 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

*20. No. 03PD019 - Meridian Subdivision

A request by Cobb Sign Company, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A and Lot B of

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5R, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1180 N. Lacrosse Street.

In response to a question by Schmidt, Elkins explained that staff would distribute any comments received to the Planning Commission or pull an item from the Hearing Consent Agenda if the notification requirements had not been met. She added that as far as she is aware, staff has not received any comments on the Major Amendment to a Planned Commercial Development.

Schmidt moved, Wall seconded and unanimously carried to recommend that the Major Amendment to a Planned Commercial Development with the following stipulations:

Urban Planning Division Recommendations:

1. All lighting at the site shall be constructed as shown on the submitted renderings;
2. The applicant shall submit a revised site plan for review and approval prior to issuance of a building permit showing only two lines of red neon lighting at any point on the structure; and
3. Any additional lighting or signage at the site shall require a major amendment to the Planned Commercial Development. (6 to 0 with Mashek, 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.

21. **No. 03RZ018 - Heartland Retail Center - One**

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of the N1/2 NW1/4 of said Section 34, thence N89°52'24"W, along the south line of said N1/2 NW1/4, 1824.64 feet to the True Point of Beginning; thence continuing along said south line, N89°52'24"W, 701.63 feet to a point lying on the easterly right-of-way line of North Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 1737.30 feet to the True Point of Beginning, more generally described as being located east of North Elk Vale Road on Columbia Boulevard.

Elkins advised that as far as she is aware, staff has not received any additional

comments regarding the rezoning request.

Schmidt moved, Wall seconded and unanimously carried to recommend that the Rezoning from No Use District to General Commercial District be approved. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

*24. No. 03UR004 - Brookside #3 Subdivision

A request by South Canyon Lutheran Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility** on Lots 1 thru 7 and the N1/2 of vacated West South Street adjacent to Lot 1, Block 10, Brookside #3 Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 700 44th Street.

In response to a question by Schmidt, Marino advised that the Engineering Department staff have indicated that the six inch curbs or wheel stops will have steel rebar going down into the ground.

Marino distributed revised stipulations to the Planning Commission. Marino clarified that the applicant is proposing to expand the pre-school facility from 16 students to 32 students on Monday, Wednesday and Friday and from 26 students to 32 students on Tuesday and Thursday. He added that the pre-school classes would operate from 9:00 a.m. to 11:15 a.m. Marino explained that the applicant had previously obtained approval to use the basement of the facility for the preschool and is proposing to utilize the basement again for the pre-school facility. Marino reviewed the revised stipulations noting that no more than 64 children shall be enrolled in the preschool program at any given time, and no more than 32 children shall attend the pre-school on any given day.

Mashek moved, Wall seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit a revised site plan showing a sidewalk walkway located on the west side of the property extending the length of 44th Street as it abuts the subject property prior to Planning Commission approval;

Urban Planning Division Recommendations:

2. The applicant shall submit a revised site plan showing six inch curbs or wheel stops between edge of the existing parking lot and public right of way prior to Planning Commission approval;
3. The applicant shall complete the installation of the sidewalk and curbing improvements prior to December 1, 2004. Surety shall be posted prior to Planning Commission approval for the amount of construction valid through May 1, 2005; and,
4. There shall be no more than 64 children enrolled in the pre-school program at any given time, and no more than 32 children attending the pre-school on any given day. (6 to 0 with Mashek, Prairie Chicken,

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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.

*25. No. 03UR005 - Cambell Square Addition

A request by Steve Wynia for Wyngard Investments, LLC to consider an application for a **Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District** on Lot 8 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1300 E Centre Street.

Elkins advised that staff has not received any additional comments regarding the Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District.

Schmidt moved, Stone seconded and unanimously carried to approve the **Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District** with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit additional information regarding drainage plans prior to building permit approval;
2. The applicant shall submit additional information regarding grading plans for the site prior to building permit approval;
3. The applicant shall submit additional information regarding utilities servicing the site prior to approval;
The applicant shall sign a waiver of right to protest regarding for sanitary sewer improvements in the area prior to a building permit being issued;

Fire Department Recommendations:

4. The applicant shall verify that all weather access is in place prior to any building construction;
5. The applicant shall verify that addresses shall be clearly visible from the street, and the numbers shall contrast with the background and shall be 12 inches in height. All addresses shall be in place prior to initiation of use;
6. If the site is ever gated in the future then a Knox Box shall be required at or near the entrance of the gate;

Air Quality Division Recommendations:

7. The applicant shall obtain an air quality permit prior to any surface disturbance;

Building Inspection Division Recommendations:

8. The applicant shall obtain a building permit prior to any construction at the site; and

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Urban Planning Division Recommendations:

9. All structures shall be constructed at the site in conjunction with the building elevations as submitted;
10. All lighting at the site shall be constructed in such a way as to minimize the impacts on the surrounding land uses;
11. All landscaping at the site shall be maintained in a live and vegetative state at all times; and
12. The color of the proposed structures shall be earth tone in nature. (6 to 0 with Mashek, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

27. **No. 03OA002 - Ordinance Amendment**

A request by the City of Rapid City to consider an application 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.

Fisher presented the request and reviewed the slides and staff's recommendation and additional photographs of acceptable and unacceptable commercial vehicles in residential areas that were distributed to the Planning Commission.

Discussion followed concerning the gross vehicle weight rating, vehicle height and length, the limitation of advertisement on commercial vehicles to 16 square feet and the number of commercial vehicles allowed on residential lots.

Elkins stated that staff received an e-mail from an employee of Action Mechanical who expressed concerns regarding the limitation on advertising. She added that staff also received one phone call from the Executive Director of the Black Hills Homebuilders Association in which she expressed concerns about the advertising limitations.

Wevik summarized the key components proposed in the draft ordinance would allow a commercial vehicle to have a 12,000 pounds gross vehicle weight rating, a seven foot maximum height with an exception of a four foot ladder rack, and 22 foot maximum length and one commercial vehicle per residential lot and a maximum of 16 square foot of advertising space.

In response to a question by Prairie Chicken, Elkins explained that signage has been identified as an issue due to the impact that large vehicles with large signs have on residential neighborhoods. She further explained that staff looked at a number of other communities to determine what their requirements were and

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found that they ranged from not allowing any commercial vehicles to be parked in a residential neighborhood unless they were stored inside a building to much broader regulations.

In response to a question by Wall, Elkins stated that Code Enforcement staff had received complaints from neighbors in the Canyon Lake area neighborhood, Arrowhead Drive neighborhood and Park Ridge neighborhood. Elkins explained that one of the concerned neighbors appeared before City Council and requested that City Council ensure that staff enforce the regulations that currently exist. Elkins explained that the current code has conflicting sections and City Council asked staff to prepare a draft amendment to clarify the provisions of the ordinance.

Paula Lewis, President of Black Hills Homebuilders Association, expressed concerns with portions of the ordinance and stated that the Association wants to work with staff in drafting an acceptable ordinance.

In response to a question by Lewis, Elkins advised that the United States Supreme Court has ruled that municipalities have the right to address aesthetics pursuant to the police powers.

Janette McIntyre, Black Hills Homebuilders Association, stated that the Association is concerned with the 16 square foot of advertising space and allowing exceptions.

In response to a question by Stone, Elkins clarified that 16 square feet of advertising is the total amount allowed on a commercial vehicle.

Dan Michael, Action Mechanical, explained that Action Mechanical has 20 service vans that would not comply with the draft ordinance concerning advertising, size and length and expressed concern with the added costs to the business. Michael asked the Planning Commission to involve more members of the community and industry in drafting an acceptable ordinance.

Wevik noted that the purpose of the Planning Commission's discussion is to obtain additional community input.

In response to a question by Stone, Elkins advised that staff reviewed ordinances from Sioux Falls, Colorado Springs, Billings, Tinley Park, Illinois, Cochina County, Arizona, Gilbert, Arizona, Sacramento County, Baltimore County, Apple Valley, California, Vienna, Virginia, and Champaign, Illinois.

Discussion followed on whether exceptions or variances could be granted.

In response to a question by Wall, Elkins advised that the staff that has been working on the draft ordinance included Jim Clark, Building Inspection Division; Trish Anderson; Vicki Fisher; Mike Booher, City Attorney's Office; and herself. Elkins added that copies of the draft ordinance were sent to those who had requested it such as the Construction Industry Council, Black Hills Homebuilders Association, Action Mechanical and some contractors.

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Kevin Kirkland, Power House Flooring, expressed his concerns with the draft ordinance and stated that he opposes the amendments. He presented some photos he had taken to the Planning Commission of motor homes and recreational vehicles that are permitted in residential neighborhoods.

Stone noted that the complaints that initiated the ordinance amendment involved large commercial trucks and vans parked in residential neighborhoods. He indicated that he feels that the inclusion of other types of smaller commercial vehicles, along with advertising limitations, vehicle height and weight limitations have made the ordinance too restrictive adding that he could not support the ordinance as drafted.

Michael suggested that the Planning Commission continue this item to allow staff time to meet with members of the community and the industry to work on revisions to the draft ordinance.

In response to a question by Wevik, Green advised that the current ordinance allows one commercial vehicle to be parked per residential lot with a one ton gross vehicle weight rating.

Wall moved and Prairie Chicken seconded to recommend that the Ordinance Amendment be continued to the June 5, 2003 Planning Commission meeting.

Discussion followed concerning the continuance. Wevik requested that anyone with suggested changes to the draft ordinance provide that information to the staff. Elkins indicated that as a result of staff vacancies and associated work load issues additional time may be necessary to review and evaluate any proposed revisions that may be submitted by industry members and the public.

Wall amended his motion to continue the Ordinance Amendment to the July 24, 2003 Planning Commission meeting and the second concurred.

Schmidt advised that he would abstain from voting.

The vote on the motion unanimously carried to recommend that the Ordinance Amendment be continued to the July 24, 2003 Planning Commission meeting. (5 to 0 with Mashek, Prairie Chicken, Stone, Wall and Wevik voting yes, none voting no and Schmidt abstaining)

Elkins requested that Items 28 and 29 be considered concurrently.

28. No. 03PL051 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor

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Drive.

29. No. 03VR003 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Vacation of Right of Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Elkins advised that Items 28 and 29 were removed from the Hearing Consent Calendar to allow Stone to abstain from voting.

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

Engineering Division Recommendations:

1. Prior to Final Plat approval by City Council, text on the plat stating "The sidelines of the 20 foot wide easement for municipal water system are to be lengthened or shortened to conform to access easement lines and/or property lines" shall be deleted from the plat, as indicated on the Engineering red line comments;
2. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the entire 66 feet of the section line highway width being retained as a utility easement;
3. Prior to Final Plat approval by the City Council, the note identification arrow shall be revised to identify both the north and south portions of the section line highway as proposed for vacation;
4. Prior to Final Plat approval by the City Council, the water system easement shall be revised on the plat to identify its continuity as indicated on the Engineering red line comments;
5. Prior to City Council approval of the Final Plat, all necessary easements for the drainage improvements shall be recorded with the Pennington County Register of Deeds;

Pennington County Register of Deeds Recommendations:

6. Prior to Final Plat approval by City Council, the subdivision name in the plat heading shall be revised to read Broadmoor Subdivision Phase I;

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, the applicant shall record the approved section line highway vacation petition with the Pennington County Register of Deeds;
8. Prior to Final Plat approval by the City Council, the applicant shall either remove the accessory structure or post financial surety in the amount necessary to remove the structure;
9. Prior to Final Plat approval by the City Council, surety shall be posted for the design and construction of the section line highway located along the south lot line or a Variance to the Subdivision

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Regulations shall be obtained or the section line highway shall be vacated; and,

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

and that the Vacation of Right-of-Way be approved with the following stipulation:

Urban Planning Division Recommendation:

- 1. Prior to Final Plat approval by the City Council, the applicant shall revise the Exhibit A to include a note identifying that the entire 66 feet section line highway is retained as a utility easement. (5 to 0 with Mashek, Prairie Chicken, Schmidt, Wall and Wevik voting yes, none voting no and Stone abstaining)**

Wall moved, Stone seconded and unanimously carried to move Items 30, 31 and 32 to the end of the agenda. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

***33. No. 03UR006 - Original Town of Rapid City**

A request by Robert Fuchs for Phatty McGees to consider an application for a **Major Amendment to a Conditional Use Permit to allow the first floor on-sale liquor use to be open starting at 11:00 a.m. on Saturday and Sunday** on the south 50 feet of Lots 28-32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Fisher presented the request, the slides of the subject property and staff's recommendation.

Kent Hagg, Whiting, Hagg and Hagg for Phatty McGees, reviewed the history of the variance that was granted in 1999 by the Zoning Board of Adjustment to reduce the minimum required off-street parking from 104 spaces to one space. He further explained the stipulation to settle litigation on the subject property, the hours of operation, the agreement for lease of parking spaces with American Memorial Life Insurance Company and available parking in the area. Hagg requested that the Planning Commission approve the Major Amendment to a Conditional Use Permit and revise the stipulation to allow the first floor on-sale liquor use to be open starting at 11:00 a.m. on Saturday and Sunday.

Discussion followed concerning parking, the hours of operation on Saturday being limited until after 5:00 p.m. and the issuance of the variance to the property and not to a particular property owner.

Green clarified that the Zoning Board of Adjustment suggested that the applicant submit an application for a Major Amendment to a Conditional Use Permit to allow the first floor on-sale liquor use to be open starting at 11:00 a.m. on Saturday and Sunday. He added that there was no agreement made with the applicant and clarified that the question before the Planning Commission is

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whether or not to amend the Conditional Use Permit. Green further added that staff does not support opening at 11:00 a.m. on Saturdays.

Discussion followed concerning revisions to Stipulation #3, parking issues, revising the parking agreement, termination of the parking agreement without the consent of the City and the one year review process for the Conditional Use Permit.

In response to a question by Schmidt, Fisher advised that the applicant is attempting to attract a sporting crowd and televised sporting games begin at 11:00 am.

Pete Lien, owner of Phatty McGees, stated that Fred Thurston, area property owner, did not object to the applicant being open early on Saturdays but had expressed concerns with the need for additional parking should the applicant change the business to a more popular business such as Old Chicago Pizza.

In response to a question by Wall, Elkins explained that staff's recommendation is based on the history of complaints from area businesses.

Stone stated that he supports allowing the applicant to open early on Saturday and Sunday.

Mashek moved, Schmidt seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow the first floor on-sale liquor use to be open starting at 11:00 a.m. on Saturday and Sunday with the following stipulations:

Building Inspection Division Recommendation:

1. Prior to Planning Commission approval, the surface of the handicap parking stall be repaired or surety shall be posted for the improvement;
2. The handicap parking stall shall continually be kept clear of any encroachments;

Urban Planning Division Recommendations:

3. No part of the building shall be open for public use until 5:00 p.m. Monday through Friday;
- 4.. The Conditional Use Permit shall be approved for one year only; and,
5. The third floor and the basement shall be used as storage. Any other use of these areas will require that additional off-street parking be provided as per Chapter 17.50.270 of the Rapid City Municipal Code. (6 to 0 with Mashek, 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.

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30. No. 03SE001 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **Special Exception to the Floodplain Building District Ordinance** on Tract 1, Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Canyon Lake Park, 4501 Jackson Boulevard.

Elkins stated that staff is recommending that the Special Exception to the Floodplain Building District Ordinance be continued to the June 5, 2003 Planning Commission meeting to allow staff to meet the notification requirements.

Wall moved, Schmidt seconded and unanimously carried to recommend that the Special Exception to the Floodplain Building District Ordinance be continued to the June 5, 2003 Planning Commission meeting. (6 to 0 with Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

31. No. 03SE002 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **Special Exception to the Floodplain Building District Ordinance** on Tract 8, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Frisbee Golf Course, Jackson Park, 1730 32nd Street.

Nelson presented the request and reviewed the slides of the subject property and staff's recommendation.

In response to a question by Wall, Nelson explained that the applicant would like to add six holes to the Frisbee Golf Course facility.

Discussion followed concerning location and an 11-6-19 SDCL Review.

In response to a question by Schmidt, Lon VanDeusen, Parks Division Manager, explained that the only trees that have been cut down were to clean out an irrigation channel to allow better flow to Storybook Island and to remove hazardous trees. He added that staff utilized some trees from the nursery located on this property to enhance the Frisbee Golf Course.

Prairie Chicken stated that he does not support the Special Exception to the Floodplain Building District Ordinance.

Wall stated that he does not oppose granting a Special Exception to the Floodplain Building District Ordinance. He added that in his opinion the Frisbee Golf Course is a good use of the property.

Wevik concurred with Wall.

Schmidt moved and Prairie Chicken seconded the motion to deny the

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Special Exception to the Floodplain Building District Ordinance. The vote on the motion was tied and pursuant to the Bylaws of the Planning Commission, the request is sent to City Council without a recommendation. (3 to 3 with Mashek, Prairie Chicken and Schmidt voting yes and Stone, Wall and Wevik voting no)

32. No. 03SE003 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **Special Exception to the Floodplain Building District Ordinance** on Lots 6 and 7, Block 6, Bradsky Subdivision; Tracts 35 and 36, Rapid City Greenway Tract, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Black Hills Polo and Soccer Grounds along E. St. James Street between Cambell Street and Sioux Avenue.

Nelson presented the request and reviewed the slides of the subject property and staff's recommendation.

Discussion followed concerning floodplain flows, parking and proposed location of the soccer goals in the hydraulic floodway.

Larry Marshall, area property owner, stated that he supports the stipulation that no fill material shall be placed for construction on the soccer fields or goals.

In response to a question by Schmidt, Nelson advised that it is impractical and difficult to remove the goals as soon as the soccer players are done playing.

VanDeusen explained that the City's parks and recreation facilities are getting much more use with the City's population increasing and the number of programs being offered. He added that the popularity of soccer has increased tremendously over the years and he supports securing the goals for safety reasons.

Mashek moved and Schmidt seconded to recommend that the Special Exception to the Flood Plain Building District Ordinance be approved with the following stipulations:

1. **No fill material shall be placed for construction of the soccer fields or goals; and,**
2. **The soccer goals shall be anchored so that the frame does not float downstream and become debris during a flood. The frame and net shall also be designed so that it will rotate to align with flood flows thus not catching other floating debris.**

In response to a question by Schmidt, Mark Owen, Soccer Rapid City Organization, stated that the goals are owned by Soccer Rapid City Organization, which is an overseeing group that is comprised of local recreation leagues, high schools and colleges.

Discussion followed concerning the recreation season, dimensions of the soccer nets and storage of goals.

Schmidt stated that he supports the Special Exception to the Flood Plain Building District Ordinance.

Wall expressed concern with the Planning Commission being consistent in their approval and denial of Special Exceptions to the Flood Plain Building District Ordinance.

In response to a comment by Wall, VanDeusen clarified that the Parks Department did not remove any trees at the request of the Frisbee Golf Course users. He added that the trees removed were clearly hazardous and posed a health and safety threat.

The vote on the motion carried to recommend approval of the Special Exception to the Floodplain Building District Ordinance with the following stipulations:

- 1. No fill material shall be placed for construction of the soccer fields or goals; and,**
- 2. The soccer goals shall be anchored so that the frame does not float downstream and become debris during a flood. The frame and net shall also be designed so that it will rotate to align with flood flows thus not catching other floating debris. (5 to 1 with Mashek, Schmidt, Stone, Wall and Wevik voting yes and Prairie Chicken voting no)**

34. Discussion Items

A. Severson Street/Dunham Drive Renaming

Mashek and Schmidt left the meeting.

Discussion followed concerning lack of quorum.

George Dunham and staff agreed to continue the discussion of Severson Street/Dunham Drive Renaming to the June 5, 2003 Planning Commission meeting.

35. Staff Items

- A. Elkins advised that today was Tom Kurtenbach's last Planning Commission meeting. She advised that Kurtenbach had taken a position with Code Enforcement Division. Elkins thanked Kurtenbach for his time and work with the Planning Department and wished him luck in his new position.

36. Planning Commission Items

A. Planning Commission Training Session

Elkins noted that she will be scheduling a Planning Commission Training

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Session in the near future regarding Tax Increment Financing Districts.

B. Special Exception to the Floodplain Building District Ordinance

Wall reiterated his concern with the Planning Commission's inconsistency regarding the denial of the Special Exception to the Floodplain Building District Ordinance for the Frisbee Golf Course.

Elkins explained that the request would go before the City Council on June 2, 2003. She added that the City Council will see the Planning Commission's split vote and that she is certain there will be additional discussion at that time. She stated that the Planning Commission members are welcome to come and express their support for the Special Exception to the Floodplain Building District Ordinance at the City Council meeting.

37. Committee Reports
None

There being no further business Wall moved, Stone seconded and unanimously carried to adjourn the meeting at 9:25 a.m. (4 to 0 with Prairie Chicken, Stone, Wall and Wevik voting yes and none voting no)