

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 5, 2003

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, Dr. Grace Mickelson, Mel Prairie Chicken, Bob Wall and Stuart Wevik.

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

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

1. Discussion Items

A. Severson Street/Dunham Drive Renaming

Elkins explained that a staff error was made when the Dunham Estates Subdivision roads were being named which resulted in a discontinuous road name segment. She explained that the adopted Major Street Plan identifies a collector street that connects Nicklaus Drive to Corral Drive be a continuous road segment. She stated that staff is recommending that Dunham Drive be renamed to Severson Street.

George Dunham explained that he opposes having Severson Street be a continuous road segment. He added that he supports an intersection at Severson Street and Dunham Drive that runs south to Corral Drive. He stated that in his opinion this offset intersection will slow traffic through the subdivision.

Elkins explained that the Layout Plat was approved with the stipulation that Severson Street be a continuous road segment and pointed out that the applicant does not concur with that stipulation. She further explained that building permit applications have been submitted for this area and that staff is seeking direction on this issue so that new residents do not have to change their addresses at some point in the future.

In response to a question by Wevik, Elkins advised that the applicant has submitted a Layout Plat for all three phases which was approved showing a continuous road segment. She added that Phase 1 and 3 have gone thru the Preliminary and Final Plat review and are currently under construction. She explained that the applicant plans to revisit the continuous road segment issue when he submits the Preliminary and Final Plat for Phase 2 of the subdivision.

**Hoffmann moved and Mickelson seconded to direct staff to begin the process to formally consider a street name change from Dunham Drive to Severson Street.**

Wall stated that he would like to see the design drawings and the approved Layout Plat before making a decision.

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**Wall made a substitute motion, seconded by Prairie Chicken and carried to continue the discussion item on renaming Dunham Drive to Severson Street to the June 26, 2003 Planning Commission meeting. (Mashek, Prairie Chicken, Wall and Wevik voting yes and Fast Wolf, Hoffmann and Mickelson voting no)**

**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.**

**A member of the audience requested that Item 12 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 2 through 16 in accordance with the staff recommendations with the exception of Item 12. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

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

2. Approval of the May 22, 2003 Planning Commission Meeting Minutes.

3. 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 26, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.**

4. No. 02PL093 – Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Longview Drive to the east of East 53<sup>rd</sup> Street and Reservoir Road.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 26, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.**

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5. No. 02PL083 – Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the July 24, 2003 Planning Commission meeting as requested by the applicant.**

6. No. 02PL114 – Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the July 10, 2003 Planning Commission meeting at the applicant's request.**

7. No. 03PL053 – Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 5, Block 9 and Dedicated Street, the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Subdivision; E1/2 NE1/4 W1/2 NW1/4 less Red Rock Estates and less right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Prestwick Road in Red Rock Estates.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the June 26, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

8. 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

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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 approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the City Council, revised topographic information and a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that an existing drainage easement located in the southeast corner of the property is of adequate size flows from the development;
2. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield(s) and a reserve drainfield easement for the future location of a replacement drainfield on each lot;
3. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the road shall be constructed as a principal arterial street with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Final Plat approval by the City Council, the plat document shall be revised relocating the shared approach to accommodate the existing approach;

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

6. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Lot 4 and Lot 5 of Tract A of Knight's Acres Subdivision" in lieu of "formerly";

**Urban Planning Division Recommendations:**

7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along Anderson Road. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements;
8. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,

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

9. 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 be continued to the June 26, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

10. No. 03PL052 – Stoney Creek South Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Sheridan Lake Road and Catron Boulevard.

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

**Engineering Division Recommendations:**

1. **Prior to Final Plat approval by the City Council, the amendment to the Arrowhead Drainage Basin Plan shall be finalized;**
2. **Prior to Final Plat approval by the City Council, the plat document shall be revised to clearly delineate the major drainage easement located along the rear lot line of Lots 1 thru 4 of Block 1;**
3. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a utility easement for the water main located along Sheridan Lake Road;**
4. **Prior to Final Plat approval by the City Council, the proposed "H Lot" located along Sheridan Lake Road shall be approved by the City and filed at the Register of Deed's Office;**
5. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement located along**

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Sheridan Lake Road and Catron Boulevard except for approved approach locations. In addition, the plat document shall be revised to show shared approach(s) along Sheridan Lake Road;

6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement located along the first 100 feet of Bendt Drive as it extends south from Catron Boulevard;
7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the adjacent right-of-way(s) for Sheridan Lake Road and Catron Boulevard;
8. Prior to Preliminary Plat approval by the City Council, construction plans for a bike path extending west from Bendt Drive to Sheridan Lake Road shall be submitted for review and approval. In addition, the plat document shall be revised to show the easement for the bike path;

**Emergency Services Communication Center Recommendation:**

- 9 Prior to Final Plat approval by the City Council, the plat document shall be revised to show the labeling of "Bendt Drive";

**Urban Planning Division Recommendations:**

10. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
  11. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
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11. No. 03AN006 – Section 3, T1N, R8E and Section 34, T2N, R8E  
A request by Russell Engesser for G&G Investments, WREA to consider an application for a **Petition for Annexation** on the SW1/4 NW1/4 less Lots H1 and H2 & ROW; and, SE1/4 NW1/4; and, N1/2 SW1/4 less Lots H1 and H2 and ROW; and, N1/2 SE1/4; all located in Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, S1/2 SW1/4 less Lots H1 and H3 and ROW and less Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, the N1/2 GL3 and N1/2 GL4 less Lots H1 and H2, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road, west of Reservoir Road, north of Twilight Drive and south of Interstate 90 Exit 61.

**Planning Commission recommended that the Petition for Annexation be approved contingent on any payment that may be due to the Rapid Valley Fire District being made by the City of Rapid City upon annexation.**

13. 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.



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**Planning Commission recommended that the 11-6-19 SDCL Review of a public utility in a public place be continued to the June 26, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

14. No. 03SR028 – Rapid City Greenway Tract

A request by 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.

**Planning Commission recommended that the 11-6-19 SDCL Review of a public use in a public place be continued to the June 26, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

15. No. 03SR031 – Rapid City Greenway Tract

A request by KSLT/KLMP Radio to consider an application for an **SDCL 11-6-19 Review of a use 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 in Memorial Park, 301 North Fifth Street.

**Planning Commission recommended that the SDCL 11-6-19 Review of a use in a use in a public place be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;

**Fire Department Recommendations:**

5. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;

**Building Inspection Division Recommendations:**

6. No banners shall be allowed within the public right-of-way or on fences;
7. The total number of restrooms (including handicapped accessible

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- restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
8. A Temporary Use Permit shall be obtained prior to initiation of the event;
  9. All electrical wiring shall comply with all applicable Uniform Building and Electrical Codes;

**Urban Planning Division Recommendations:**

10. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
11. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually; and
12. The proposed event shall be allowed to operate for no more than two event days per year.

16. **No. 03VR004 – Riverside Subdivision**

A request by the South Dakota Department of Transportation to consider an application for a **Vacation of Right-of-Way** on that portion of Boston Street located adjacent to Lot RU-107A, Tract A and Lot 38 all of Block 2, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Boston Street.

**Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:**

**Urban Planning Recommendations:**

1. Prior to approval by City Council, the applicant shall revise the Exhibit A to include the book and page of the plat recording the right of way at the Pennington County Register of Deeds; and,

**Pennington County Register of Deeds Recommendations:**

2. Prior to approval by City Council, the applicant shall revise Exhibit A heading to read, "Vacation of right of way Boston Street adjacent to Lot RU107A and Tract A of Block 2; and Lot 38 of amended plat of Block 2, all in Riverside Addition to Rapid City recorded in the Pennington County Register of Deeds".

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

12. **No. 03SR019 – Rapid City Greenway Tract**

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

David Schwietert, 3936 Jackson Boulevard, expressed his concerns with re-aligning the bike path with the Jackson Boulevard and Park Drive intersection, the number of accidents at Park Drive and Jackson Boulevard, the direction of traffic flow through Canyon Lake Park, and the location of the crosswalk on Park Drive. Schwietert requested information on the number of accidents that have



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occurred at Park Drive and Jackson Boulevard. He proposed that the traffic flow through Canyon Lake Park be changed to flow from east to west and exit at Canyon Lake Drive and Jackson Boulevard.

Elkins advised that staff is recommending that the 11-6-19 SDCL Review be continued to the June 26, 2003 Planning Commission to allow the applicant to obtain a floodplain development permit.

In response to a question by Wevik, Elkins advised that it would be appropriate for the Planning Commission to request a recommendation from the Engineering Staff regarding reversing the traffic flow through the park as it is within the scope of the 11-6-19 SDCL Review.

Discussion followed concerning cost, pedestrian safety, traffic accidents, and reversing the traffic flow through the park.

**Prairie Chicken moved, Wall seconded and unanimously carried to continue the 11-6-19 SDCL Review of public improvements in a public place to the June 26, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit and to allow the Engineering Staff to submit a recommendation regarding reversing the traffic flow in Canyon Lake Park. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

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

**Staff requested that Item 37 be removed from the Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Wall seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 17 thru 37 in accordance with the staff recommendations with the exception of Item 37. (7 to 0 Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

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

**\*17. No. 02PD063 - Red Rock Estates**

A request by Dream Design International Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence

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southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is  $12^{\circ}43'49''$ , an arc length of 38.77 feet to a point of tangency; thence  $S08^{\circ}38'28''W$  175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is  $34^{\circ}44'55''$ , and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is  $19^{\circ}48'27''$ , an arc length of 43.39 feet to a point on said curve; thence  $S83^{\circ}41'59''W$  185.45 feet to the Point Of Beginning, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission continued the Planned Development Designation to the July 10, 2003 Planning Commission meeting at the applicant's request.**

18. No. 02RZ065 – Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence  $N03^{\circ}44'30''W$  140.25 feet; thence  $N08^{\circ}38'28''E$  143.92 feet; thence  $N11^{\circ}40'26''E$  155.33 feet; thence  $N21^{\circ}22'17''E$  120.00 feet; thence  $S68^{\circ}37'43''E$  160.00 feet; thence  $S21^{\circ}22'17''W$  120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is  $12^{\circ}43'49''$ , an arc length of 38.77 feet to a point of tangency; thence  $S08^{\circ}38'28''W$  175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is  $34^{\circ}44'55''$ , and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is  $19^{\circ}48'27''$ , an arc length of 43.39 feet to a point on said curve; thence  $S83^{\circ}41'59''W$  185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the July 10, 2003 Planning Commission meeting at the applicant's request.**

19. No. 02SV042 – Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence  $N03^{\circ}44'30''W$  140.25 feet; thence  $N08^{\circ}38'28''E$  143.92 Feet; thence  $N11^{\circ}40'26''E$  155.33 Feet; thence

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N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalks be continued to the July 10, 2003 Planning Commission meeting at the applicant's request.**

20. No. 03CA008 – Section 19, T1N, R8E  
Comprehensive Plan Amendment – **Summary of Adoption Action** to amend the South Robbinsdale Neighborhood Area Future Land Use Plan by changing the land use designation on a 15 acre parcel of land from Light Industrial to General Commercial on the north 270 feet only of Government Lot 4 in the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the SE quadrant of proposed 5<sup>th</sup> Street and Catron Boulevard intersection.

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

21. No. 03CA009 – Section 19, T1N, R8E  
Comprehensive Plan Amendment – **Summary of Adoption Action** to amend the South Robbinsdale Neighborhood Area Future Land Use Plan by changing the

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land use designation on a five acre parcel of land from Light Industrial to General Commercial on the west 494 feet of Government Lot 3 less the north 900 feet in the NW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located SE quadrant of proposed 5<sup>th</sup> Street and Catron Boulevard intersection.

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

\*22. No. 03PD017 – Owen Mann Subdivision

A request by TSP Three, Inc. to consider an application for a **Planned Commercial Development – Initial and Final Development Plan** on Lot 10A, Block 1, Owen Mann Subdivision; and Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection West Chicago and 32<sup>nd</sup> Street.

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

**Engineering Division Recommendation:**

1. Prior to issuance of a building permit a revised site plan shall be submitted showing six inch curbs located at the terminuses of Kinney Court;
2. Prior to issuance of a building permit the service lines for the adjacent water users shall be identified to verify that abandonment of the line located in the vacated Right of Way is appropriate;

**Building Inspection Recommendation:**

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

**Fire Department Recommendation:**

4. All Uniform Fire Codes shall be continually met;
5. Prior to issuance of a building permit the adequate number of fire flows at 3500 g.p.m. at the site shall be verified to be in compliance with the City of Rapid City Municipal Codes;
6. A Fire sprinkler system shall be provided for the structure, and maintained in a working manner at all times;
7. Prior to issuance of a building permit the applicant shall verify turning radius for emergency vehicles ingress and egress at the site is in compliance;
8. Prior to Planning Commission approval, a revised site plan shall be submitted showing the width of the access way running to the southwest of the structure as 20 feet the entire length of the access way;

**Urban Planning Division Recommendations:**

9. The applicant shall revise the landscaping plan to show tall evergreen shrubs or evergreen trees abutting the fence along the south east side of the property;
10. The residential development shall conform architecturally to the plans

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- and elevations submitted as part of this Initial and Final Planned Residential Development;
11. The applicant shall submit a sign package in accordance with the City of Rapid City Municipal Code for review and approval prior to issuance of a building permit;
  12. All lighting at the site shall be constructed in a way so as to minimize any impacts on the surrounding land uses and direct lighting away from adjacent properties;
  13. There shall be no semi-trucks utilizing the site for deliveries on the weekends in accordance with the stated business plan; if this portion of the business plan is to be modified, a major amendment must be obtained;
  14. All deliveries at the site shall be during the hours of 8:00 a.m. and 4:30 p.m. in accordance with the stated business plan, and shall be done in a manner to minimize the noise, safety, and visual impacts on surrounding neighborhoods;
  15. There shall be no outdoor storage located at the site;
  16. The use of the site shall be limited to a retail builder's supply store including the sales of flooring, blinds, lights, cabinets, and windows. Any change in use shall require approval as a major amendment; and,
- Air Quality Division Recommendations:**
17. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre.

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

23. No. 03VR001 – Owen Mann Subdivision  
A request by TSP Three, Inc. to consider an application for a **Vacation of Right-of-Way** on Lot 10A, Block 1, Owen Mann Subdivision; Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sac along Kinney Court.

**Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:**

**Urban Planning Division Recommendations:**

1. Prior to City Council approval of the vacation of right of way the curbing shall be completed around the remaining portion of Kinney Court that is not being vacated or surety shall be posted for the amount to complete the project;
2. Prior to City Commission approval of the vacation of right of way, legal description be changed to Lot 1, Lot 13 Less Lot H2, Lot 14 less Lot H2, Lot 15 less Lot H2, and Lot 16 Less Lot H2, Block 1, of the Owen Mann Subdivision, Section 33, T2N, R7E, B.H.M.

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\*24. No. 03PD023 – Minnesota Ridge Subdivision

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

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

**Engineering Division Recommendations:**

1. Revised plans shall be submitted prior to issuance of a building permit showing a single water tap as proposed;
2. Prior to issuance of a building permit, recorded copies of permanent access easements granting the city access to water shut-off valves shall be provided;

**Fire Department Recommendations:**

3. All Uniform Fire Codes shall be continually met;
4. Fire Hydrants shall be required and located as per City Uniform Fire Code requirements;
5. All new Fire Hydrants shall be in place and operational prior to any building construction and provide at a minimum 1500 gpm/20 psi;
6. Street signs and individual lot addresses shall be posted prior to or in conjunction with building construction;
7. Structures shall be fully fire sprinklered as per the Uniform Fire Code;

**Building Inspection Division Recommendations:**

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

**Urban Planning Division Recommendations:**

9. The residential development shall conform architecturally to the plans and elevations submitted as part of this Final Planned Residential Development;
10. All stipulations of the Original Planned Residential Development – Initial and Final Development Plan shall be met at all times;
11. All lighting shall be constructed in a way to maximize safety and minimize the impacts on surrounding land uses;
12. Prior to Planning Commission approval, a revised site plan shall be submitted showing compliance with all minimum required setbacks from property lines;
13. A Special Exception to allow more than 53 dwelling units with an exclusive access point shall be obtained or a second point of access shall be provided prior to any construction beyond 53 dwelling units;
14. Landscaping at the site shall be constructed in accordance with the approved landscaping plan;
15. All provisions of the Medium Density Residential Zoning District shall be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment; and,



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**Air Quality Division Recommendations:**

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

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

\*25. **No. 03PD025 – Original Town of Rapid City**

A request by Don Ossenfort for MWT Leasing Company, Inc. to consider an application for a **Planned Commercial Development – Initial and Final Development Plan** on Lots 10 thru 16, Block 87, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at TMA Downtown, 329 Main Street.

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

**Building Inspection Division Recommendations:**

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

**Fire Department Recommendations:**

2. **The applicant shall verify that any heating units shall be located in approved rooms, and shall comply with all electrical codes and any applicable City Rapid City Municipal Codes;**

**Urban Planning Division Recommendations:**

3. **Any future expansion of use shall require a major amendment to the Planned Commercial Development;**
4. **Any additional use, expansion of use, or change in use shall comply with the minimum required number of off-street parking spaces; and**
5. **A major amendment shall be obtained for any additional signage located at the site advertising the proposed car wash.**

***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. 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 property 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 South East corner of Lot 2 Fellowship Addition and the South West 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

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a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S89°37'12"E a distance of 261.89 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 239.26 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 June 26, 2003 Planning Commission meeting to be heard in conjunction with a Planned Development Designation and a Comprehensive Plan Amendment request.**

27. No. 03CA010 – Heartland I-90 Business Park Subdivision

Comprehensive Plan Amendment – **Summary of Adoption Action** to change the future land use designation on a 26.59 acre parcel of land from Light Industrial to General Commercial on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28; thence S00°01'17"E, 1106.92 feet to a point along the east section line of Section 28; thence S89°58'15"W, 399.77 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28 at the point of beginning, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

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

28. No. 03RZ017 – Heartland I-90 Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28; thence S00°01'17"E, 1106.92 feet to a point along the east section line of Section 28; thence S89°58'15"W, 399.77 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28 at the point of beginning, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

**Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved.**

\*29. No. 03PD021 – Northern Heights Subdivision

A request by Donald Douma for Atonement Lutheran Church to consider an application for a **Planned Development Designation** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N R7E, BHM, Rapid City,

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Pennington County, South Dakota, more generally described as being located at 522 Anamosa Street.

**Planning Commission continued the Planned Development to the June 26, 2003 Planning Commission meeting to allow the request to be heard in conjunction with the Rezoning from Low Density Residential to Office Commercial and a proposed Amendment to the Comprehensive Plan.**

30. No. 03RZ019 – Northern Heights Subdivision

A request by Donald Douma for Atonement Lutheran Church to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 522 Anamosa Street.

**Planning Commission recommended that the Rezoning from Low Density Residential District to Office Commercial District be continued to the June 26, 2003 Planning Commission meeting to allow the request to be heard in conjunction with a proposed Planned Development Designation and a proposed Amendment to the Comprehensive Plan.**

31. No. 03AN005 – Auburn Hills Subdivision

A request by Doeck LLC to consider an application for a **Petition for Annexation** on the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Haines Avenue and Viking Drive.

**Planning Commission recommended that the Petition for Annexation be approved.**

32. No. 03RZ020 – Auburn Hills Subdivision

A request by Doeck LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Haines Avenue and Viking Drive.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.**

33. No. 03CA013 – Section 28, T2N, R8E

A request by FMG Inc. for Bypass LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 16.42 acre parcel of land from Light Industrial to General Commercial with a Planned Commercial Development** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section

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28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S60°29'01"W, 1167.82 feet to a point; thence S74°51'58"W, 321.14 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located northwest of I-90 and Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to revise the Northeast Area Future Land Use Plan to change the land use designation on a 16.42 acre parcel from Light Industrial to General Commercial with a Planned Commercial Development be approved.**

\*34. No. 03PD022 – Section 28, T2N, R8E

A request by FMG Inc. for Bypass LLC to consider an application for a **Planned Development Designation** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located northwest of I-90 and Elk Vale Road.

**Planning Commission approved the Planned Development Designation contingent upon the approval of the associated rezoning from General Agriculture District to General Commercial District with the following stipulation:**

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

***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.***

35. No. 03RZ021 – Section 28, T2N, R8E

A request by FMG Inc. for Bypass LLC to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to

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a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located northwest of I-90 and Elk Vale Road.

**Planning Commission recommended that the Rezoning from General Agriculture Zoning District to General Commercial Zoning District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.**

\*36. No. 03UR007 – Original Town of Rapid City

A request by Mike Derby for 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 offices in High Density Residential District to the June 26, 2003 Planning Commission meeting.**

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

37. 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.

Marino presented the request and reviewed the slides of the site and staff's recommendation. He noted that on May 22, 2003, the Planning Commission approved a Special Exception to the Floodplain Building District Ordinance for the Black Hills Polo and Soccer Grounds to allow nets and poles. He added that the City Council also approved the Special Exception on June 2, 2003.

**Wall moved, Hoffmann seconded and unanimously carried to recommend that the 11-6-19 SDCL Review of a public facility in a public place with the following stipulations:**

**Urban Planning Division Recommendations:**

1. Prior to any construction at the site, a building permit shall be obtained;
2. Prior to any additional development at the site an 11-6-19 SDCL Review shall be obtained;
3. All stipulations of the corresponding Special Exception to the Floodplain Development regulations shall be maintained at all times; and,
4. All lighting at the site shall be constructed in such a manner so as to

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**minimize the impacts on the surrounding land uses. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

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

**38. 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.

Marino presented the request and reviewed the slides of the site and staff's recommendation. He noted on May 22, 2003 the Planning Commission's vote on the Special Exception to the Floodplain Building District Ordinance for the Disk Golf to allow additional baskets tied and was forwarded to City Council without a recommendation. He added that the City Council approved the Special Exception on June 2, 2003.

**Wall moved, Hoffmann seconded and unanimously carried to recommend that the 11-6-19 SDCL Review of a public structure in a public place be approved with the following stipulations:**

**Urban Planning Division Recommendations:**

- 1. Prior to any construction at the site, a building permit shall be obtained;**
- 2. Prior to any additional development at the site an 11-6-19 SDCL Review shall be obtained; and,**
- 3. All stipulations of the corresponding Special Exception to the Floodplain Development regulations shall be maintained at all times. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

**\*39. No. 03PD020 – Robbinsdale Addition No. 10**

A request by Renner & Sperlich Engineering for Black Hawk Properties to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 2, Block 26, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Parkview Drive and Minnesota Street.

Marino stated that staff is recommending that the Major Amendment to a Planned Residential Development be continued to the June 26, 2003 Planning Commission meeting to allow the applicant time to meet the notification requirements.

**Mickelson moved, Hoffmann seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to the June 26, 2003 Planning Commission meeting to allow the applicant time**



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**to meet the notification requirements. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

Elkins requested that Items 40 and 41 be considered concurrently.

\*40. No. 01UR042 - Section 23, T1N, R7E

A request by the City of Rapid City to consider an application for a **Revocation of a Use on Review to allow Communication Tower in Public District** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life.

41. No. 03SR032 - Owen Hibbard Subdivision

A request by Ralph Wyngarden, Faulk & Foster for Western Wireless to consider an application for an **SDCL 11-6-19 Review of a public utility in a public place** on Lot 2, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1930 Promise Road.

Elkins advised Items 40 and 41 are related and involve the communication tower constructed on U.S. Highway 16. She noted that the applicant has painted the tower red and white and removed the flashing white strobe lights. She noted that when the applicant painted the tower, the paint ended up on the adjoining structures on the site specifically Fire Station #6. She explained that the applicant has been working with the City to resolve the situation and remove the paint that inadvertently was placed on the fire station wall and roof. Elkins stated that staff is recommending that Items 40 and 41 be continued to the July 10, 2003 Planning Commission meeting to allow the applicant time to resolve the damage.

Ralph Wyngarden, Faulk & Foster for Western Wireless, explained that he recently met with Assistant Fire Chief Tim Kobes to resolve the roof and south wall damage to Fire Station #6. He explained that the roof damage can be steamed off however the south wall has a grainy texture and the contractor is attempting to find a method to remove or cover up the paint in order to restore the wall to its original appearance. He added that Black Hills Tower is committed to finding an acceptable remedy for the paint damage to Fire Station #6. He pointed out that all of the stipulations regarding the Revocation of a Use on Review to allow Communication Tower in Public District have been met. He stated that in his opinion Items #40 and 41 are separate issues and requested that the Planning Commission continue Item #40 but approve Item #41 so that the applicant can proceed with the installation of an emergency generator and propane tank at the site.

Discussion followed concerning the applicant posting a bond for the damage to Fire Station #6 and staff's recommendation.

**Wall moved and Mickelson seconded to recommend that the Revocation of a Use on Review to allow Communication Tower in Public District and the SDCL 11-6-19 Review of a public utility in a public place be continued to the**

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**July 10, 2003 Planning Commission meeting.**

**Hoffmann made a friendly amendment to the motion to continue Item #40 and consider Item #41 separately. The motion maker concurred but the second did not concur.**

**Hoffmann made a substitute motion, Wall seconded and unanimously carried to continue the Revocation of a Use on Review to allow a Communication Tower in Public District to the July 10, 2003 Planning Commission meeting. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

**Hoffmann moved and Mashek seconded to recommend approval of the SDCL 11-6-19 Review of a public utility in a public place.**

Wevik stated that he supports the continuance of the Revocation of a Use on Review to allow Communication Tower in Public District in order to resolve the damage issue to Fire Station #6. He added that he would like the applicant to be able to proceed with installation of an emergency generator and propane tank at the site but does not feel that staff has had adequate time to review the revised site plan and prepare the stipulations of approval.

**Mashek withdrew her second to the motion to approve the SDCL 11-6-19 Review of a public utility in a public place.**

**Wall made a substitute motion, Hoffmann seconded and unanimously carried to continue the SDCL 11-6-19 Review of a public utility in a public place to the June 26, 2003 Planning Commission meeting. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

Mickelson suggested that Items 42 thru 44 be considered concurrently.

Ron Davis, Davis Engineering, requested that Items 45 and 46 be considered prior to Items 42 thru 44.

**Wall moved, Hoffmann seconded and unanimously carried to consider Items 45 and 46 prior to Items 42 thru 44. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

**45. No. 03SV020 - Section 20, T2N, R7E**

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

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Elkins presented the request and reviewed the slides of the site and staff's recommendation.

**Mickelson moved and Hoffmann seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install pavement on Hidden Valley Lane be denied and the Variance to the Subdivision Regulations to install curb, gutter, street light conduit, sewer and water on Hidden Valley Lane and Hidden Valley Road be approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements;**
- 2. A Special Exception is hereby granted to allow Hidden Valley Road, a cul-de-sac street, to be in excess of 500 feet in length and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet;**
- 3. A Special Exception is hereby granted to allow Hidden Valley Road, a principal arterial street, to have a 14% gradient in lieu of the maximum allowed 10% gradient;**
- 4. The Special Exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual is hereby denied; and,**

**Fire Department Recommendations:**

- 5. Prior to City Council approval, the applicant shall submit construction plans to show a hard surface fire apparatus turnaround at the end of the cul-de-sac.**

In response to a question by Wall, Elkins explained that the road was installed some time ago and the plans were never reviewed or approved by the City or County. She added that the applicant was not involved in the construction of Hidden Valley Road.

Discussion followed concerning the Special Exception to allow Hidden Valley Road to have a 14% gradient in lieu of the maximum allowed 10% gradient.

Ron Davis, Davis Engineering, stated that the applicant expressed concerns with Stipulation #4. He explained that there is approximately 1,600,000 cubic yards of dirt and rock that would have to be moved in order to build a principal arterial street with a 10% gradient. Davis added that in his opinion this option is impractical due to the cost and believes that the road will eventually be a lesser order street and rerouted.

Elkins advised that the City Council discussed the Special Exception to allow access from Hidden Valley Road and suggested that there be a contractual agreement between the landowner that would run with property in which an easement would be granted across the lot to the north and provisions made that in the future that easement would be built to a lane place standard road when the approach onto the arterial street on the south is removed. She added that this option would allow the applicant to have an approach onto Hidden Valley Road

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with the provisions that the applicant would build a lane place road across the lot to north when Hidden Valley Road is reconstructed to an arterial street. Elkins stated that because of some timing issues that applicant instead chose to submit these applications rather than pursue that option with the City Council.

In response to a question by Wevik, Elkins advised that the contractual agreement would have to be written into the contract and as well as the covenant as to when the road would have to built to arterial standards.

In response to a question by Wall, Davis stated that the applicant opposes obtaining an easement across the lot to the north. He explained that from an engineering standpoint it would be impractical as there is no physical way to get across the lot as there is a house on one side of the property and a drainfield and septic tank and huge draw on the other side of the lot.

**The vote on the motion carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install pavement on Hidden Valley Lane be denied and the Variance to the Subdivision Regulations to install curb, gutter, street light conduit, sewer and water on Hidden Valley Lane and Hidden Valley Road be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements;**
2. **A Special Exception is hereby granted to allow Hidden Valley Road, a cul-de-sac street, to be in excess of 500 feet in length and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet;**
3. **A Special Exception is hereby granted to allow Hidden Valley Road, a principal arterial street, to have a 14% gradient in lieu of the maximum allowed 10% gradient;**
4. **The Special Exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual is hereby denied; and,**

**Fire Department Recommendations:**

5. **Prior to City Council approval, the applicant shall submit construction plans to show a hard surface fire apparatus turnaround at the end of the cul-de-sac. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

46. **No. 03PL054 - Section 20, T2N, R7E**

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

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Elkins stated that staff is recommending that the Preliminary and Final Plat be continued to the June 26, 2003 Planning Commission meeting to allow the applicant time to submit additional information concerning the pavement design for Hidden Valley Lane and septic tank and drainfield information.

**Hoffmann moved, Wall seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the June 26, 2003 Planning Commission to allow the applicant time to submit additional information. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

Mickelson requested that Items 42 thru 44 be considered concurrently.

42. No. 03AN007 - Section 20, T2N, R7E

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for a **Petition for Annexation** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

43. No. 03CA014 - Section 20, T2N, R7E

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

44. No. 03RZ022 – Section 20, T2N, R7E

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

Davis requested that Items 42 thru 44 be continued to the June 26, 2003 Planning Commission meeting.

**Hoffmann moved, Wall seconded and unanimously carried to recommend that the Petition for Annexation, the Amendment to the Comprehensive Plan to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential and the Rezoning from No Use District to Low Density Residential District be continued to the June 26, 2003 Planning Commission at the applicant's request. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

\*47. No. 02PD059 - Cleary Subdivision

A request by Dave Fisk for Black Hills Equestrian Center to consider an

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

Elkins advised that the applicant has requested that the Planned Unit Development - Final Development Plan be continued to the July 10, 2003 Planning Commission meeting.

**Wall moved, Hoffmann seconded and unanimously carried to continue the Planned Unit Development - Final Development Plan to the July 10, 2003 Planning Commission meeting at the applicant's request. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)**

\*48. No. 03PD024 - Wellington Heights

A request by TSP Three, Inc. for Wellington Heights, LLC to consider an application for a **Planned Unit Development - Initial and Final Development Plan** on Lot B, Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6715 Wellington Drive.

Elkins presented the request and reviewed the slides of the site and staff's recommendation. She pointed out that the new owner, Wellington Heights, LLC plans to remove the equestrian center and redevelop the property into 44 townhome lots. Elkins advised that staff is recommending that the development be modified to allow townhomes but to also include single family homes adjacent to those existing single family homes that are on the opposite side of the street. Elkins stated that the applicant is requesting direction from the Planning Commission regarding these land use issues so that the applicant can resolve issues relative to the sewer pump station and design.

Gene Quinn, applicant, reviewed the proposed Planned Unit Development Plan. He added that in his opinion the construction of townhomes would be a good use of the property. He also expressed concerns with traffic and the posted speed limit on Catron Boulevard.

Mike Alley, distributed photographs to the Planning Commission of townhome projects throughout Rapid City showing townhomes across the street from single family residences. He added that there are some existing townhomes that are mixed in with apartments, condominiums and single family residences. Alley stated that in his opinion this project will enhance the neighborhood and asked the Planning Commission to approve the Planned Unit Development to allow 44 townhome lots.

Del Voth stated that the applicant's market research has shown that the price range that could be supported by real estate consumers for a townhome in this area range from \$145,000 to \$149,000 up to \$189,000 to \$199,000. He reviewed the square footage and design plans of the townhomes and added



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that he anticipates a year and a half to two year marketing time for this project to be completed.

Lois Ward, 6524 Wellington Drive, expressed her concerns with an increase in density, covenants, parking, additional traffic, lack of turn lanes on Catron Boulevard, townhome and lot sizes, street maintenance and surrounding property values. Ward stated that she supports staff's recommendation to have the development be modified to allow townhomes but to also include single family homes adjacent to those existing single family homes that are on the opposite side of the street

Discussion followed concerning density.

Mashek stated that before she could make a decision on whether to have all townhomes or a mix of townhomes and single family residences, she would want to review if there are any negative impacts that townhomes have on single family property values, what is the demand for a twinhome development and what are the comparable values.

Mickelson suggested that the developer meet with the homeowners association for Southhill and Edinborough to discuss their concerns.

Hoffmann stated that he would like to hear from more of the neighbors and added that he does not support the Planning Commission providing any direction to the applicant concerning density.

Wall concurred with Mickelson's suggestion regarding a meeting between the developer and the homeowners association. He also suggested a hybrid development with single family homes across from single family homes and then have twinhomes in the proposed cul-de-sac.

Prairie Chicken left the meeting at this time.

**Wall moved, Hoffmann seconded and unanimously carried to continue the Planned Unit Development - Initial and Final Development Plan to the June 26, 2003 Planning Commission meeting to allow the applicant time to submit additional information. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**

49. No. 03PL055 - Wellington Heights

A request by TSP Three, Inc. for Wellington Heights, LLC to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 45, Block 1, Wellington Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B, Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6715 Wellington Drive.

**Wall moved, Hoffmann seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the June 26, 2003 Planning Commission meeting to allow the applicant to submit additional**

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**information. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**

50. 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 in Canyon Lake Park, 4501 Jackson Boulevard.

Nelson presented the request and reviewed the slides of the subject property and staff's recommendation. He added that the light poles will not raise the base flood elevation.

**Wall moved to recommend that the Special Exception to the Floodplain Building District Ordinance be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **No fill material shall be placed for construction of the new light poles; and,**
2. **The new poles are installed with electrical components that automatically disconnect power to the fixture in case of catastrophic loss of the fixture i.e. impact to pole from flood debris etc.**

**The motion failed for lack of a second.**

In response to a question by Hoffmann, Wall stated that in his opinion he does not see a substantive change from what currently exists and believes that the new lights poles would be an improvement with the additional safety standards installed.

**Hoffmann moved and Mickelson seconded the motion to deny the 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 Fast Wolf, Hoffmann and Mickelson voting yes and Mashek, Wall and Wevik voting no)**

51. No. 03VR005 - Freedland Subdivision

A request by William H. Siegel to consider an application for a **Vacation of Right-of-Way** on the 40 foot right-of-way north of Lot 5, Freeland Subdivision, located in the SE1/4 SW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2925 Freedland Avenue.

William Siegel, applicant, requested that the Vacation of Right-of-Way be continued to the July 10, 2003 Planning Commission meeting to allow him time to submit additional information.

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**Mickelson moved, Mashek seconded and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the July 10, 2003 Planning Commission at the applicant's request. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**

**Wall moved, Hoffmann seconded and unanimously carried to recommend that the Planning Commission continue the meeting past 9:00 a.m. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**

52. Discussion Items

B. Zoning Variance Application Fees – Jim Clark

Jim Clark, Building Inspection, reviewed the Planning and Zoning Application Fees chart. Clark stated that currently the fee for a Zoning Variance Application is \$75.00. He added that this \$75.00 does not come close to covering the costs associated with an appeal. He stated that staff spends approximately 10 to 15 hours on an appeal taking pictures and of the property and preparing a staff report and recommendation. He stated that the Building Inspection staff is requesting that the Zoning Variance Application Fee be increased to \$250.00 which is more in line with the Conditional Use Permit application process and fee schedule.

In response to a question by Mashek, Clark advised that staff handles approximately 75-100 appeals per year.

Discussion followed concerning documentation and justification of costs and time spent on an appeal.

Wall expressed concern with making the appeal process difficult and financially denying some citizens access to an appeal. He suggested setting the fee at an intermediate figure rather than trying to recoup all of the costs associated with an appeal.

In response to a question by Hoffmann, Green stated that staff almost always recommends that the Zoning Board of Adjustment not approve the appeals. He estimated that the Zoning Board of Adjustment approves the majority of applications though. Elkins suggested that the Zoning Board of Adjustment approves 95% or more of the appeals submitted.

Discussion followed concerning the specific criteria in the Ordinance that must be met before the Zoning Board of Adjustment is authorized to grant a variance.

Elkins explained the City of Rapid City's philosophy regarding a cost recovery system. She stated that the City does not try to recoup costs relative to Planning and Zoning applications; however, they do try to recover building inspection costs. She further added that the fees established are to help cover some of the out of pocket costs such as

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publications. She explained that the City feels that they are providing a public service and want to continue to encourage development in the community.

Wevik stated that he concurred with Mashek and would like staff to present estimates associated with the cost of an appeal.

**Hoffmann moved, Wall seconded and unanimously carried to direct staff to provide additional information regarding a breakdown on the costs for the Zoning Variance process and provide a recommendation. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**

53. Staff Items  
None

54. Planning Commission Items  
None

55. Committee Reports  
None

**There being no further business Wall moved, Hoffmann seconded and unanimously carried to adjourn the meeting at 9:30 a.m. (6 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Wall and Wevik voting yes and none voting no)**