

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 26, 2003

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

STAFF PRESENT: Vicki Fisher, Karen Bulman, Patsy Horton, Jeff Marino, Jason Green, Mike Booher, Bill Knight, Randy Nelson, Dave Johnson, Dave LaFrance and Nadine Bauer

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

Mayor Shaw presented Dawn Mashek and Bob Wall with certificates of appreciation for their time on the Planning Commission and thanked them for the vital role they have played in providing public service to the community.

Wall thanked Mayor Shaw, the other Planning Commission members and staff for making his time on the Planning Commission so pleasurable and interesting. He advised that it has been quite a learning experience and he will never forget his first day as a Planning Commissioner.

Mashek stated that it has been an honor and a privilege to serve on the Planning Commission. She added that she has enjoyed her time on the Planning Commission and thanked staff for their professionalism and consistency in looking at the regulations.

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

Mickelson requested that Items 2, 4 and 5 be removed from the Non-Hearing Consent Agenda for separate consideration. Wall requested that Items 6, 14 and 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Hoffmann seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 20 in accordance with the staff recommendations with the exception of Items 2, 4, 5, 6, 14, and 19. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 5, 2003 Planning Commission Meeting Minutes.
3. 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.

Planning Commission recommended that the Petition for Annexation be approved.

7. 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 July 10, 2003 Planning Commission meeting to allow the applicant to submit topographic information and a conceptual drainage plan.

8. 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 July 10, 2003 Planning Commission meeting to allow the applicant to submit additional information.

9. 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 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 11-6-19 SDCL Review to allow the construction of a road in the section line highway be continued to the July 10, 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.

10. 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 July 10, 2003 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 03PL060 - Big Sky Subdivision

A request by Dream Design International for Doyle Estes (DTH LLC) to consider an application for a **Preliminary and Final Plat** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Buddy Court off of Degeest Drive.

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, the subdivision construction plans shall be revised to show the construction of Homestead Street to the west lot line or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall show a paved turnaround at the western most terminus of Homestead Street;**
2. **Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval conforming to the most recent profile proposed for Homestead Street. The grading plan shall also include drainage provisions for the western portion of the subject property. All drainage improvements shall be located on the subject property and the plat document shall be revised to provide drainage easement(s) as necessary;**

Urban Planning Division Recommendations:

3. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
4. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**

12. No. 03PL061 - Feay Reder Subdivision

A request by Richard and Gladys Bray to consider an application for a **Layout Plat** on Lots A and B of Lot 3, Feay Reder Subdivision, located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot B of Lot 3, Feay Reder Subdivision located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally

described as being located at 9470 Sheridan Lake Road.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot;
2. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the community well system. If the well is to be used as a community water source for the two proposed lots, then a well agreement shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows;
3. Upon submittal of a Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent roadways;
4. Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
5. Upon submittal of a Preliminary Plat, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Sheridan Lake Road that abuts the subject property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, sidewalk, street light conduit, water sewer or a Variance to the Subdivision Regulations shall be obtained;
6. The applicant shall verify that there is 25 feet of separation between the existing water line and the proposed septic tanks and reserved drainfield;
7. The applicant shall construct the section line highway or obtain a Variance to the Subdivision standards;

Transportation Planning Division Recommendations:

8. Upon submittal of a Preliminary Plat, the applicant shall submit a plat showing the elimination of one of the two approaches and shall submit a plat showing one approach with a shared access easement no more than 40 feet wide by 40 feet deep, or a special exception shall

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be obtained for the two approaches and an approach permit shall be obtained from the County Highway Department;

9. The Preliminary Plat shall show all approaches on adjacent properties;

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.

13. **No. 03PL062 - Autumn Hills Subdivision**

A request by Clayton Willhite to consider an application for a **Layout Plat** on Lot 26, Block 1, Autumn Hills Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4935 Springtree Court.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, topographic information shall be submitted for review and approval. In addition, a structural site plan showing all existing development shall be submitted for review and approval. The site plan shall also show one approach serving as access to the subject property and one water and/or sewer line to the proposed lot;
2. Upon Preliminary Plat submittal, a plat document shall be submitted identifying all easement location(s). In addition, the applicant shall demonstrate that the existing easements are sufficient for all utilities and drainage;
3. Upon Preliminary Plat submittal, the access easement to be located along the north lot line shall be increased from eight feet in width to 20 feet in width. In addition, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; or Outlot G shall be reconfigured into a flagpole lot providing a minimum lot width of 25 feet as it abuts Springtree Court;
4. Upon Preliminary Plat submittal, a plat document shall be submitted for review and approval showing the adjacent right-of-way, Springtree Court. In addition, road construction plans showing the installation of curb, gutter, sidewalk and a minimum pavement width of 24 feet along Springtree Court shall be submitted for review and approval;

Urban Planning Division Recommendations:

5. Upon Preliminary Plat approval, the plat document shall be revised to include the balance of Outlot G as a second lot;
6. Prior to Final Plat approval, the plat document shall be signed by all property owner(s). In addition, the remaining certificate titles shall be

signed and notarized as necessary. In particular, the Treasurer's Office shall sign the plat document requiring that all taxes for the current year be paid as necessary;

7. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
8. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

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.

Planning Commission recommended that the 11-6-19 SDCL Review of a public utility in a public place be continued to the July 10, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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.

Planning Commission recommended that the 11-6-19 SDCL Review of a public use in a public place be continued to the July 10, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

17. No. 03SR032 - Owen Hibbard Subdivision

A request by Ralph Wyngarden, Faulk & Foster for Western Wireless to consider an application for an **11-6-19 SDCL 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.

Planning Commission recommended that the 11-6-19 SDCL Review of a public utility in a public place be continued to the July 10, 2003 Planning Commission meeting.

18. No. 03SR034 - Rapid City Greenway Tract

A request by Brian Maliske for the Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review to allow a use in a public place** on Lot ER (including public access and utility easement) Less Hotel Lot of Lot ER,

Original Town of Rapid City; and, Tract 20 less Lot H1, Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 North Mt. Rushmore Road.

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

Fire Department Recommendations:

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniform Fire Code and the Assembly Manual;

Building Inspection Division Recommendations:

3. The applicant shall obtain a temporary use permit prior to the commencement of each outdoor carnival;

Police Department Recommendations:

4. The area serving alcohol must be double-fenced with a minimum of eight feet between the fences;
5. That two exits with security personnel at each exit must be maintained;

Urban Planning Division Recommendations:

6. This 11-6-19 SDCL Review shall be approved for three (3) additional years at which time an additional review shall be obtained;
7. Any additional expansion of use shall require an additional 11-6-19 SDCL Review; and
8. This temporary use shall be approved for a maximum of 14 days.

20. No. 03VE005 - Section 17, T2N, R7E

A request by Dream Design International for Art Janklow to consider an application for a **Vacation of a portion of a 33 foot wide Private Access Easement** on a portion of Tract C of the NE1/4 NW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located in the Cimarron Mobile Home Park.

Planning Commission recommended that the Vacation of a portion of a 33 foot wide Private Access Easement be continued to the July 10, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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

2. No. 686 - Section 36, T2N, R7E

A request by the City of Rapid City to consider the **Dissolution of Tax Increment District #10** on property described by metes and bounds as beginning at the southeast corner of the North Street and 5th Street intersection; thence east 2247.29 feet along the south side of the North Street right-of-way to the northeast corner of Tract A; thence south along the east side of Tract A 518.27 feet to the north side of the Chicago Northwestern Railroad right-of-way; thence southwest along railroad right-of-way; thence southwest along the railroad

right-of-way approximately 1139.76 feet to the south right-of-way line of New York Street to the east right-of-way line of 5th Street; thence north 1215.13 feet along the east right-of-way line of 5th Street to the Point of Beginning. Also to be include are Lot ER of the Original Townsite and that portion of Tract 24 of the Greenway Tracts lying north of Rapid Creek, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Rapid Creek, south of North Street, west of East Boulevard and east of Fifth Street, plus the Civic Center parking lot.

Mickelson moved, Prairie Chicken seconded and unanimously carried to continue Item #2 - Resolution dissolving Tax Increment District No. 10 to the end of the regular agenda items. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Mickelson requested the Items 4 and 5 be considered concurrently.

4. 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.
5. 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 53rd Street and Reservoir Road.

Mickelson expressed concerns with the number of continuances that have been granted to the applicant and asked if the applicant was going to be able to submit revised construction plans and a revised plat document prior to the July 10, 2003 Planning Commission meeting.

Fisher stated that on June 11, 2003, staff received revised construction plans and recommended that Items 4 and 5 be continued to the July 10, 2003 Planning Commission meeting to allow staff time to review the construction plans. She added that staff also shares Mickelson's concerns regarding continuances but added that staff and the applicant are making progress and would like to resolve the remaining issues so that the applicant can take advantage of this construction season.

Hoffmann moved, Wall seconded and unanimously carried to recommend

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that the Preliminary and Final Plat and the Layout, Preliminary and Final Plat be continued to the July 10, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

6. No. 02PL129 - MJK Subdivision

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

In response to a question by Wall, Fisher reviewed the recommended access points for the Layout Plat. She advised that from the north of the subject property there are existing local streets and a collector street that would extend south to serve the area. She added that as development occurs along Catron Boulevard, a rearage road is proposed that will parallel Catron Boulevard. She added that Fifth Street and Elm Avenue will be the connection points along Catron Boulevard.

In response to a question by Hoffmann, Fisher stated that the only access point from Catron Boulevard would be South Highway 79, 5th Street or Elm Avenue.

Wall moved, Mashek seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

14. No. 03PL065 - Northstar Subdivision

A request by Centerline, Inc. for Heartland Development Group LLC to consider an application for a **Final Plat** on Lots 6 and 7 in Block 1; and, Lot 1 in Block 3, Northstar Subdivision located in the NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Seger Drive and Dyess Avenue.

In response to a question by Wall, Fisher explained that the applicant has done exactly as City Council had requested in regards to the approval of the Preliminary Plat. Fisher explained that staff and the applicant are finishing up a few minor stipulations such as a supplemental tap fee agreement and posting of the subdivision improvements surety and inspection fees.

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

Engineering Division Recommendations:

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1. **Prior to Final Plat approval by the City Council, Seger Drive and Dyess Avenue shall be improved to minor arterial road standards or a waiver of right to protest any future assessment on the subject property shall be signed;**
2. **Prior to Final Plat approval by the City Council, the applicant shall pay the \$22,143.55 supplemental tap fee applicable to the subject property as related to the City project for the Dyess Avenue Water Main Extension (Project #845);**

Urban Planning Division Recommendations:

3. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

19. No. 03TP003 - 2004 - 2008 Final Draft Transportation Improvement Program

Wall requested that the Planning Commission receive hard copies of the 2004-2008 Final Draft Transportation Improvement Program to allow adequate review of large documents.

Horton advised that the Planning Commission will have another opportunity to review the document prior to final approval sometime in August. She added that she will provide all of the Planning Commission members and City Council with copies of the document.

Mickelson also requested that staff provide the Planning Commission hard copies of large documents such as Tax Increment District - Project Plans, studies and the Transportation Improvement Program. She commented that it is difficult to read these documents from the disks and make notes.

Wall moved, Hoffmann seconded and unanimously carried to recommend that the 2004 - 2008 Final Draft Rapid City Area Transportation Improvement Program be approved. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

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 34 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Wall seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 21 thru 41 in accordance with the staff recommendations with the exception of Item 34. (9 to 0 with Fast Wolf,

Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

21. No. 03CA013 - Section 28, T2N, R8E

Comprehensive Plan Amendment - **Summary of Adoption Action** 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 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 approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

22. 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 5511 Hidden Valley Lane.

Planning Commission recommended that 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 be approved.

23. 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.

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, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot;**

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2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the location of the community well located north of proposed Lot A. A well agreement to allow the community well to serve the subject property shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows. If a separate well is proposed for proposed Lot B, then the location of the well shall be identified. In addition, the plat document shall be revised to show utility and maintenance easement(s) for the well(s) as necessary;
3. Prior to Preliminary Plat approval by the City Council, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Hidden Valley Lane shall be submitted for review and approval. In particular, the road shall be constructed with a 27 foot wide paved surface and a hard surface fire apparatus turnaround at the end of the cul-de-sac;

Pennington County Highway Department Recommendation:

5. Prior to Preliminary Plat approval by the City Council, an approach permit for the existing approach located along Hidden Valley Road shall be submitted for review and approval;

Fire Department Recommendations:

6. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;
7. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate fire department apparatus access to each lot. In particular, the plat document shall be revised to show an all weather surface emergency vehicle turnaround on each lot for any driveway in excess of 150 feet in length;

Register of Deed's Office Recommendation:

8. Prior to approval of the Final Plat by the City Council, the plat title shall be revised to read "formerly Lot B less the West 2 feet in SW1/4SW1/4...";

Urban Planning Division Recommendations:

9. Prior to approval of the Preliminary Plat by the City Council, the property shall be annexed into the incorporated City limits of Rapid City;
10. Prior to approval of the Final Plat, the property shall be rezoned to allow the proposed residential development and the Rapid City Area Long Range Comprehensive Plan shall be amended accordingly;
11. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along the south lot line of proposed Lot B. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements;
12. Prior to Final Plat approval by the City Council, a subdivision estimate

- form shall be submitted for review and approval; and,**
- 13. 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.**

24. 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.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

25. No. 03CA015 - Superpumper Addition

A request by DLK Engineering for DTJ, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.89 acre parcel of land from Residential to General Commercial with a Planned Commercial Development** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the 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 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 611.89 feet more or less; thence S00°01'35"W a distance of 742.35 feet more or less; thence N09°32'15"W a distance of 200.00 feet more or less; thence S00°01'35"W a distance of 200.00 feet more or less; thence N89°32'15"W a distance of 389.26 feet to the True Point of Beginning, more generally described as being located north of East Fairmont Boulevard and west of South Highway 79.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 12.89 acre parcel of land from Residential to General Commercial with a Planned Commercial Development be approved.

*26. No. 03PD026 - Superpumper Addition

A request by DLK Engineering for DTJ, LLC to consider an application for a **Planned Development Designation** on a parcel of plan 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

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 611.89 feet more or less; thence S00°01'35"W a distance of 742.35 feet more or less; thence N89°32'15"W a distance of 200.00 feet more or less; thence S00°01'35"W a distance of 200.00 feet more or less; thence N89°32'15"W a distance of 389.26 feet to the True Point of Beginning, more generally described as being located north of East Fairmont Boulevard and west of South Highway 79.

Planning Commission approved the Planned Development Designation in conjunction with the Rezoning from Medium Density Residential District to General Commercial District and the related Comprehensive Plan Amendment to change the land use from Residential to General Commercial with a Planned Commercial Development 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.

*27. No. 03PD027 - Superpumper Addition

A request by DLK Engineering for South Creek Village to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 2 less a parcel of land described by metes and bounds: 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 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 611.89 feet more or less; thence S00°01'35"W a distance of 742.35 feet more or less; thence N09°32'15"W a distance of 200.00 feet more or less; thence S00°01'35"W a distance of 200.00 feet more or less; thence N89°32'15"W a distance of 389.26 feet to the True Point of Beginning, located in Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Fairmont Boulevard and east of South Highway 79.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the July 10, 2003 Planning Commission meeting to allow the applicant to submit additional information.

28. No. 03RZ015 - Superpumper Addition

A request by DLK Engineering for South Creek Village Limited Partnership to

consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the 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 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 approved in conjunction with the Planned Development Designation and the Comprehensive Plan Amendment.

29. No. 03CA016 - Northern Heights Subdivision

A request by Donald Douma for Atonement Lutheran Church to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.85 acre parcel from Low Density Residential to Office Commercial with a Planned Commercial Development** on Lot 1 of Lot A of Block 6 of Northern Heights, 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 Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.85 acre parcel from Low Density Residential to Office Commercial with a Planned Commercial Development be approved.

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

Planning Commission approved the Planned Development Designation contingent upon the approval of the associated Rezoning from Low Density Residential District to Office Commercial District and the related Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Plan from Low Density Residential to Office Commercial with a Planned Development Designation 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.

31. 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 approved in conjunction with a Planned Development Designation and a related Amendment to the Comprehensive Plan.

32. No. 03PL059 - Northbrook Village

A request by Dream Design International for Doyle Estes (DTH LLC) to consider an application for a **Final Plat** on Lots 1-15 and Outlot C, Block 2; Lots 1-5 and Lots 8-12, Block 3; Lots 18-29 and Outlot B, Block 4, Northbrook Village, all located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 SE1/4 less Northbrook Village and Less Right-Of-Way, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Viking Drive, Titan Drive and Milehigh Avenue.

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

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the applicant shall finalize an agreement with the City for upgrades to the sanitary sewer lift station;**
2. **Prior to Final Plat approval by the City Council, West Nike Road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained;**

Fire Department Recommendations:

3. **All Uniform Fire Codes shall be continually met;**

Urban Planning Division Recommendations:

4. **Prior to Final Plat approval by the City Council, a subdivision cost estimate form shall be submitted for review and approval; and,**
5. **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.

33. No. 03SV021 - Northbrook Village

A request by Dream Design International for Doyle Estes (DTH LLC) to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, sewer, watermain and street light conduit along West Nike Road** on Lots 1-15 and Outlot C, Block 2; Lots 1-5 and Lots 8-12, Block 3; Lots 18-29 and Outlot B, Block 4, Northbrook Village, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 SE1/4 less Northbrook Village and Less Right-Of-Way, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Viking Drive, Titan Drive and Milehigh Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, sewer, watermain and street light conduit along West Nike Road be approved with the following stipulation:

Engineering Division Recommendations:

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.**

35. No. 03PL063 - Vista Lake Subdivision #2

A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Jackson Boulevard north of the Fish Hatchery.

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 letter providing a summary of drainage considerations shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, a letter providing a summary of considerations for non-gravity sewer service for Lot 1 shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, design plans stamped by a Professional Engineer for the proposed retaining wall shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement holding the City harmless for any**

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damage and/or destruction that may result from a constructed walkway encroaching into a drainage channel or the encroachment shall be removed in accordance with the previously reviewed and approved drainage plan;

Fire Department Recommendation:

5. All Uniform Fire Codes shall be continually met;

South Dakota Department of Transportation Recommendation:

6. Prior to Preliminary Plat approval by the City Council, written approval to allow the proposed access along Jackson Boulevard shall be obtained;

Register of Deed's Office Recommendation:

7. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Formerly Lot 1 of Lot F-1 and a portion of Lot F-1...";

Urban Planning Division Recommendations:

8. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the associated Planned Residential Development shall be approved;
9. Prior to Final Plat approval by the City Council, notes on the plat referencing driveway slopes, geotechnical information, building envelopes, cut and fill transitions, and individual lot development shall be removed from the plat document and placed on the site plan for the associated Major Amendment to the Planned Residential Development;
10. Prior to Preliminary 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.

*36. 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.

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

Engineering Division Recommendations:

1. The applicant shall obtain a building permit prior to any construction at the site;
2. The applicant shall provide a drainage plan drawn by a licensed engineer demonstrating no discharge of storm water directly onto Parkview Drive;
3. The applicant shall submit a revised site plan prior to issuance of a building permit demonstrating improvement of drainage facilities

abutting the lot;

4. The applicant shall verify that element 21 of the South Robbinsdale Drainage Basin Drainage Plan which crosses the north end of the property is included in the site design and construction;

Fire Department Recommendations:

5. If the building is located more than 150 feet from a public right of way in which a water line is located than an on-site fire hydrant shall be constructed at the site;
6. Fire apparatus access roads shall be provided for every facility, building, or portion of a building, when any portion of an exterior wall of the 1st story of the building is located more than 150 feet from fire apparatus as measured by an approved route around the exterior of the building unless the building is fully fire sprinklered;
7. If fire apparatus dead end access roads are 150 feet or greater in length, then provisions for the turning around of fire apparatus shall be provided;

Transportation Planning Division Recommendations:

8. The applicant shall post a sign restricting on-street parking on Parkview Drive;

Urban Planning Division Recommendations:

9. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing a landscaping island located at the site;
10. The architectural style of the building will be constructed as shown on the elevations submitted;
11. Prior to Planning Commission, the applicant shall submit any additional information regarding signage at the site for review and approval;
12. The lighting will be constructed in a way so as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties; and
13. All parking shall be constructed as shown on the site plan as submitted, and the parking shall be maintained in a clear and accessible manner 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.

*37. No. 03PD028 - Parkridge Village Subdivision

A request by Paul Holt for Courtney and Deanna Clayborne to consider an application for a **Major Amendment to a Planned Residential Development to allow a minimum 10 foot sideyard setback in lieu of the required minimum 12 foot sideyard setback for a two story home** on Lot 32 of Block 3, Parkridge Village Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3709 Parkridge Drive.

Planning Commission approved the Major Amendment to a Planned

Residential Development to allow a minimum 10 foot sideyard setback in lieu of the required minimum 12 foot sideyard setback for a two story home with the following stipulations:

Fire Department Recommendations:

1. The applicant shall meet all applicable requirements of the 1997 Uniform Building Codes and fire codes at all times;

Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the construction of any applicable work at the site;

Urban Planning Division Recommendations:

3. Ten (10) feet is hereby granted as the minimum side yard setback for the structure in lieu of the required twelve (12) foot side yard setback, and
4. Any additional encroachment into the minimum side yard setback requirement for the Low Density Residential Zoning District shall require a Major Amendment to the Planned Commercial Development.

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

*38. **No. 03PD030 - Meridian Subdivision**

A request by Darin Lee for Black Hills Promotions to consider an application for a **Major Amendment to a Planned Commercial Development to allow an expansion of a recreational use** on Lot 4A, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Pirate's Cove, 1500 North Lacrosse Street.

Planning Commission approved the Major Amendment to a Planned Commercial Development to allow an expansion of a recreational use with the following stipulations:

Engineering Division Recommendations:

1. Prior to Planning Commission approval, the applicant shall verify that the sight triangles are maintained in a clear and free manner at the intersection of Meridian Lane and the access drive into the parking lot of the proposed lot and all adjacent lots in compliance with the City of Rapid City Municipal Codes;

Fire Department Recommendations:

2. The applicant shall verify at all times that access to the proposed expansion of use is maintained for all emergency vehicles at all times;
3. The applicant shall verify that the location of the proposed expansion of use shall not block or impede access to fire hydrants or any other fire appliance at any time;

Urban Planning Division Recommendations:

4. Any additional signage at the site shall require a major amendment to

- the Planned Commercial Development;
5. Any additional lighting to support night time use shall require a major amendment to the Planned Commercial Development;
 6. Any additional reduction of parking spaces or expansion of use which requires more parking spaces than available at the site shall require a major amendment to the Planned Commercial Development; and
 7. All stipulations of the original approval 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.

*39. No. 03PD031 - Squirrelly Acres Subdivision

A request by Kenneth Berglund for Patricia Berglund Estate to consider an application for a **Major Amendment to a Planned Residential Development to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit** on Lot 2 of Squirrelly Acres Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5501 Berglund Road.

Planning Commission approved the Major Amendment to a Planned Residential Development to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit with the following stipulations:

Fire Department Recommendations:

1. The applicant shall verify that Fire Department apparatus access to all structures on the property shall be maintained at all times;

Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the initiation of construction of any development associated with the Conditional Use Permit;

Urban Planning Division Recommendations:

3. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes prior to the issuance of a building permit;
4. The construction of all additional structures shall be constructed to match architectural standards of the submitted elevations including style, color, and materials;
5. Any additional garage or storage space to be constructed on the lot shall require a major amendment to the Planned Residential Development, and
6. All stipulations of the previously approved Planned Residential Development – Final Development Plan approval 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.

*40. 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 July 10, 2003 Planning Commission meeting.

*41. No. 03UR008 - Copperhill Ridge Subdivision

A request by James E. Hanley to consider an application for a **Conditional Use Permit to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit** on Lot C of Copperhill Ridge Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5140 Copperhill Ridge.

Planning Commission approved the Conditional Use Permit to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall maintain the first 50 feet of access to the garage as a paved access way at all times;

Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the initiation of construction of any development associated with the Conditional Use Permit;

Urban Planning Division Recommendations:

3. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes prior to the issuance of a building permit;
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit, and
5. The construction of all additional structures shall be constructed to match architectural standards including style, color, and materials of the existing structure.

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.

---END OF HEARING CONSENT CALENDAR---

*34. No. 03PD029 - Fish Hatchery Subdivision

A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1 of Lot F-1 and Lot F1 less Cleghorn Canyon #2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Jackson Boulevard north of the Fish Hatchery.

Fisher explained that development proposed for this site has been reviewed several times and added that, as part of the Variance to the Subdivision Regulations, Feather Ridge Court would be allowed as a gravel roadway and that a water service line would be constructed instead of a water service main to the sites. She added that this option required that the residential structures be sprinklered on Lots 2 and 3. Fisher stated that the applicant has reviewed the cost to sprinkler the structures and as such has asked that staff amend Stipulation #7. Fisher explained that the Fire Department and Engineering staff has reviewed the applicant's request and agreed to add the option of constructing a water main along Feather Ridge Court and a fire hydrant located at the end of the cul-de-sac which would be able to provide adequate fire flows.

Wall moved, Hoffmann seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit for proposed Lots 2 and 3, Preliminary and Final Plat #03PL063 shall be approved by the City Council;
2. All residential structures shall be located within the serviceable water zone boundary(s) as shown on the site plan;
3. "No-parking" signs shall be posted along Feather Ridge Court;

Fire Department Recommendations:

4. All provisions of the Uniform Fire Code shall be continually met;
5. Prior to the start of any building construction, all weather access roads shall be constructed;
6. An all weather fire apparatus turnarounds shall be provided on proposed Lots 2 and 3;
7. Residential structures located on Lots 2 and 3 shall be sprinklered or a water main shall be constructed along Feather Ridge Court and a fire hydrant, providing adequate fire flows, shall be located at the end of the cul-de-sac;
8. Prior to the start of any building construction, a Wildland Fire Mitigation Plan shall be completed as required by the Fire Department;

Building Inspection Division Recommendation:

9. A building permit shall be obtained prior to any construction;

Air Quality Division Recommendation:

10. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;

Urban Planning Division Recommendations:

11. The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. A Home Occupation shall be allowed on proposed Lot 1. A Major Amendment to the Planned Residential Development shall be obtained prior to a Major Home Occupation being allowed on any of the proposed lot(s);
12. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
13. The minimum lot size requirement of the Park Forest District for Lots 1 and 2 shall be reduced from three acres to 1.84 acres and 1.43 acres, respectively; and,
14. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 42 and 43 be considered concurrently.

*42. **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.

43. **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.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation. Fisher also reviewed the applicant's revised site plan which includes 36 townhome lots and 6 single family residences which is not in agreement with staff's recommendation. Fisher explained that Low Density Residential Districts do not typically allow townhome development; it is only through the Planned Unit Development that it is being considered. She added that the South Dakota Department of Transportation has expressed concerns with the proposed densities. She explained that it is the South Dakota Department of Transportation opinion that any additional traffic may require improvements along Catron Boulevard and/or review of the function of the two approaches along Wellington Drive to Catron Boulevard. Fisher stated that staff is recommending that the Preliminary and Final Plat and the Planned Unit Development - Initial and Final Development Plan be continued to the July 10, 2003 Planning Commission meeting to allow the applicant to submit additional information. Fisher stated that the applicant would like the Planning Commission to indicate if they concur with staff's recommendation, concur with the applicant's revised site plan or has another option for the site.

In response to a question by Wevik, Fisher stated that staff supports townhome development across from the existing townhomes and also in the proposed cul-de-sac and the development of single family residences across from the existing single family residences along Wellington Drive.

Lois Ward, 6524 Wellington Drive, stated that the South Hill Home Owners Association met the previous evening and have agreed that they do not support the applicant's revised site plan in which there would be only six single family residences along Wellington Drive. She added that the South Hill Home Owners Association would like to see the integrity of their neighborhood kept in tact with single family homes of equal size and quality on lots of equivalent size. She added that the Association requests that the applicant's development mirror the South Hill Subdivision and that the homes meet the same standards outlined in the South Hill Subdivision covenants.

Kent Hagg, Lot 19 of South Hill Subdivision, stated that in his opinion the only appropriate location for townhomes in the South Hill Subdivision was right next to highway bordering a small commercial lot. He added that the townhomes he recently built are 1,750 square feet on the main floor with a 1,750 square foot walk out basement and sell for approximately \$220,000. Hagg stated that in his opinion he does not mind living next door to or seeing these townhomes every time he drives into the neighborhood. Hagg added that he strongly opposes any townhome development along the outer rim of Wellington Drive.

Evan Groz, 6620 Wellington Drive, concurred with Hagg and expressed his opposition to the applicant's revised site plan and expressed his concern with an increase in density.

Patricia Hahn, 1105 Regency Court, requested that the Planning Commission not support the applicant's revised site plan to insure that the South Hill Subdivision retain its integrity and home value.

Gene Quinn, applicant, reviewed his revised site plan, covenants for Wellington Heights Subdivision, sale of the building on the property, establishment of a Home Owners Association, style and elevation of the proposed townhomes, parking, increased traffic and the market value of single family residences along Wellington Drive. Quinn added that in his opinion Wellington Heights will be a nice development and good for the neighborhood.

In response to question by Schmidt, Ward advised that the South Hill Subdivision covenants do not specifically disallow townhomes but there is a size minimum. She added that the covenants state that the main floor shall be 1700 square feet, She explained that if a two story residence is constructed then 1200 square feet is allowed on the main floor as long as the second floor is 800 square feet. She added that the Home Owners Association does not oppose townhomes in the cul-de-sac.

Wall stated that he has watched this development go from conception to the present. He added that in his opinion he always thought this area would be a nice location for a subdivision and added that the applicant has a good basic concept that is attainable. He encouraged the staff, applicant and the area residents to continue to work together to come up with a workable solution. He added that in his opinion the remaining lots will sell relatively quickly and believes that this plan is better than what was there.

In response to a question by Hoffmann, Fisher stated that because the applicant has not submitted final construction plans staff is recommending that this item be continued to the July 10, 2003 Planning Commission meeting. In addition, Fisher stated that staff does not feel comfortable mandating the floor area or dollar value for the townhomes.

Hoffmann stated that in his opinion there are some very good examples of townhomes throughout the City and he supports staff's recommendation.

In response to a question by Schmidt, Fisher advised that South Hill Subdivision has a Home Owners Association with covenants and that the applicant is proposing to develop a separate Homeowners Association for his development. Fisher added that the City does not review and/or participate in covenants other than to utilize them as a tool for maintenance. She added that the Planned Unit Development is the tool that the City utilizes to identify appropriate land use.

Hoffmann moved, Mickelson seconded and unanimously carried to continue the Planned Unit Development - Initial and Final Development Plan and the Preliminary and Final Plat the July 10, 2003 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Fisher requested that Items 44 and 45 be considered concurrently.

44. No. 03PL064 - Canyon Lake Heights Subdivision
A request by Precision Surveying for Bill Marx to consider an application for a

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- Preliminary Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4730 Cliff Drive.
45. No. 03SV022 - Canyon Lake Heights Subdivision

A request by Precision Surveying for Bill Marx to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4730 Cliff Drive.

Fisher reviewed the requests and the slides of the subject property and staff's recommendation for the Preliminary Plat and the Variance to the Subdivision Regulations. Fisher explained that the applicant met with the Chapel Valley Home Owners Association and has obtained a signed petition to vacate the section line highway. She added that the applicant is concerned that the Preliminary Plat will be delayed and he will miss out on this year's building season by time he gets the vacation of section line highway application acted upon.

In response to a question by Wevik, Fisher advised that staff is recommending that the Planning Commission deny the Variance to the Subdivision Regulations along the section line highway and approve the Variance to the Subdivision Regulations along Cliff Drive with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements. Fisher stated that the applicant could submit an application to vacate the section line highway.

Schmidt left the meeting at this time.

Discussion followed concerning timeframes, the construction season and the applicant's plans.

Mickelson moved and Prairie Chicken seconded to approve the Preliminary Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Preliminary Plat approval by the City Council, the septic tank design shall be revised as redlined and returned for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, the on-site water design shall be revised to demonstrate that a minimum 25 foot separation is being provided between the water line easement and all**

- on-site wastewater components;
3. Prior to Final Plat approval by the City Council, the on-site wastewater system located on proposed Lot B shall be relocated to provide a minimum separation of 150 feet from the on-site well or surety shall be posted for the relocation;
 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive for the installation of curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

Register Of Deed's Office Recommendation:

6. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "formerly Lot 2 and the North 40 feet of Lot 3 in Block B";

Fire Department Recommendation:

7. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;

Urban Planning Division Recommendations:

8. Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate the certifications for "Rapid City Common Council" and "Planning Commission" and shall add certificates for "Resolution by Governing Board" and "Certificate of Finance Officer";
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; and,

that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied along the section line highway and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved along Cliff Drive with the following stipulation:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

Mark Cohen stated that the well for the subject property is shared. Cohen added that he does not believe that well agreement allows the applicant to tap a third service line into the well.

Fisher stated it would be appropriate to add a stipulation stating that prior to Preliminary Plat approval by the City Council, a well agreement shall be submitted for review and approval demonstrating that the well may serve the additional lot.

The motion maker agreed to the additional stipulation. The second concurred.

Jim Johnson, area resident, asked if the minimum acreage requirement and had been met concerning the septic system. Fisher stated that the lot size required for an on-site septic and well is one acre. She explained that the lot size required for an on-site septic and well that is serviced by a community well is a minimum of 0.5 acres. She explained that the configuration of the proposed lot is 0.7 acres for one parcel and 1.0 acre for the second parcel.

Johnson commented that approval of the Preliminary Plat will become more complicated if the applicant has to provide a new well.

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 septic tank design shall be revised as redlined and returned for review and approval;
2. Prior to Preliminary Plat approval by the City Council, the on-site water design shall be revised to demonstrate that a minimum 25 foot separation is being provided between the water line easement and all on-site wastewater components;
3. Prior to Final Plat approval by the City Council, the on-site wastewater system located on proposed Lot B shall be relocated to provide a minimum separation of 150 feet from the on-site well or surety shall be posted for the relocation;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive for the installation of curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

Planning Commission Recommendation:

Draft

6. **Prior to Preliminary Plat approval by the City Council, a well agreement shall be submitted for review and approval demonstrating that the well may serve the additional lot;**

Register Of Deed's Office Recommendation:

7. **Prior to Final Plat approval by the City Council, the plat title shall be revised to read "formerly Lot 2 and the North 40 feet of Lot 3 in Block B";**

Fire Department Recommendation:

8. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;**

Urban Planning Division Recommendations:

9. **Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate the certifications for "Rapid City Common Council" and "Planning Commission" and shall add certificates for "Resolution by Governing Board" and "Certificate of Finance Officer";**
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; and,**

that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied along the section line highway and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved along Cliff Drive with the following stipulation:

Engineering Division Recommendation:

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Stone, Wall and Wevik voting yes and none voting no)**

Stone left the meeting at this time.

46. **No. 03RZ023 - Robbinsdale #7 Subdivision**

A request by Robert Stiehl to consider an application for a **Rezoning from Neighborhood Commercial District to General Commercial District** on Lots 1 and 2 of Tract A; the balance of Tract A; and Tract B, all located in Robbinsdale #7 Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 402 E. Fairmont Boulevard.

Bulman presented the request and reviewed the slides of the subject property and staff's recommendation. Bulman explained that the applicant currently has an off-sale liquor license but wants to obtain an on-sale liquor license.

Forrest Paris, 3213 Parkview Drive, stated that a group of six neighbors met and all strongly oppose the rezoning request.

Robert Stiehl, applicant, stated that he is planning a very small and quiet neighborhood pub and grub. He stated that the liquor license would be for beer only.

Wall stated that he opposes the rezoning request. He stated that in his opinion General Commercial is inappropriate for this area.

Wall moved and Mashek seconded to recommend that the Rezoning from Neighborhood Commercial District to General Commercial District be denied.

In response to a question by Hoffmann, Fisher stated that the neighbors within 250 feet of the subject property were notified of the public hearing regarding this request. She added that staff has received a number of phone calls regarding this request and that most were opposed to the rezoning request.

In response to a question by Stiehl, Fisher advised that in order for this application to be approved with stipulations it would have to be approved in conjunction with a Planned Development Designation. Fisher stated that the staff's position is that General Commercial zoning is not appropriate in this area regardless of any stipulations that could potentially be applied.

The vote on the motion unanimously carried to recommend that the Rezoning from Neighborhood Commercial District to General Commercial District be denied. (7 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)

Bulman requested that Items 47 and 48 be considered concurrently.

47. No. 03TI007 - Section 19, T1N, R8E and Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District #41** on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and NW1/4NW1/4; and, SE1/4NW1/4 less the West 460 feet of the South 990 feet less Lot H1; and, SW1/4NW1/4 less the South 990 feet; and, SE1/4NE1/4; and, SW1/4NE1/4; and, NE1/4NW1/4; and, N1/2NE1/4 less NE1/4NW1/4NE1/4 and Less NW1/4NE1/4NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4; and, N1/2SW1/4SE1/4; and, the unplatted balance of the E1/2NW1/4SE1/4; and, the unplatted balance of the SW1/4NW1/4SE1/4; and the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4; and, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109; and, the platted 80 foot Minnesota

Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B; all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard, west of SD Highway 79 and east of US Highway 16.

48. No. 03TI008 - Section 19, T1N, R8E and Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District #41 - Project Plan** on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and NW1/4NW1/4; and, SE1/4NW1/4 less the West 460 feet of the South 990 feet less Lot H1; and, SW1/4NW1/4 less the South 990 feet; and, SE1/4NE1/4; and, SW1/4NE1/4; and, NE1/4NW1/4; and, N1/2NE1/4 less NE1/4NW1/4NE1/4 and Less NW1/4NE1/4NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4; and, N1/2SW1/4SE1/4; and, the unplatted balance of the E1/2NW1/4SE1/4; and, the unplatted balance of the SW1/4NW1/4SE1/4; and the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4; and, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109; and, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B; all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard, west of SD Highway 79 and east of US Highway 16.

Fast Wolf left the meeting at this time.

Bulman presented the requests and reviewed the slides of the proposed Tax Increment District and the Tax Increment Financing Committee's recommendation. She explained that the total project costs would include a portion of the City's project costs for 5th Street and extraordinary grading costs on private property. She added that the City's share of the costs includes a portion of the oversizing costs and the proportionate share of the streets costs associated with the Rapid City Area School District property. She stated that the City will finance the estimated \$1,418,860 cost of improvements to be included in this Tax Increment District that will allow the extended 5th Street area to develop by assisting with infrastructure costs. She added that the plan is expected to be paid off in nine years.

Mickelson stated that one of her main concerns about Tax Increment Districts is that Rapid City has more Tax Increment Districts than any other municipality in the state. She added that the State is also concerned and has established a Legislative Subcommittee to examine Tax Increment District and will be conducting

public hearings in Rapid City in the near future. She explained that another concern of hers is the assessed valuation on the 2002 tax rolls. She stated that there is 50 million dollars in assessed valuation involved with these Tax Increment Districts, which means a shift of 1.6 million dollars in taxes to the citizens. She added that she is extremely concerned that the citizens are picking up this tax shift without their knowledge. She also expressed her concerns with the financial implications outlined in the Project Plan, total projects costs, the costs of acquiring Walgar property for right-of-way, preliminary estimates, design that has not been completed, an additional tax levied for the School District's portion of the taxes which is then re-levied by the County Auditor, the number of Tax Increment Districts approved for the same developer or organization, the availability of other funding sources for the development of 5th Street, the City's role in requesting the present Tax Increment District for the City, and the composition of the Tax Increment Financing District. Mickelson stated that in her opinion the Planning Commission needs additional time to review the requests and requested that hard copies of the Project Plan be provided to the Planning Commission.

Bulman reviewed the non-agricultural and owner occupied tax rates. Bulman explained that originally when the applicant submitted this Tax Increment District it included some of the developer's costs. She further explained that the Tax Increment Financing Committee recommended that this Tax Increment District only pay for the city's costs and not the developer's costs. She added that the developer will have to find other outside funding sources for their portion of the costs. Bulman further explained that the first year cost to the taxpayers would be 28 cents per \$100,000 value of their home. She stated that after the first year the cost changes because the dollar value of the estimated increment will likely increase. She added that those costs are unknown because every year it will change based on the levies that the School District and City approve.

In response to a question by Mickelson, Bulman advised that the reason the City did not submit this Tax Increment District is because it was included in another estimate from the developer for both portions.

Mickelson expressed concern that this was the fourth request by the same organization for a Tax Increment District in one year.

Mickelson reviewed a portion of SDCL 11-9-4 and added that it was her understanding that the Planning Commission played an important role in creating Tax Increment Districts. Mickelson expressed her concern with the City Council not supporting the Planning Commission's recommendations and questioned what purpose the Planning Commission served regarding Tax Increment Districts.

Mashek stated that she did not support the last Tax Increment District because it did not fit the criteria for open areas. She stated that she does support this Tax Increment District for the 5th Street Improvements.

Wall moved, Mashek seconded and carried to recommend that the Resolution Creating Tax Increment District #41 and the Project Plan for Tax Increment District #41 be approved. (5 to 1 with Hoffmann, Mashek, Prairie Chicken, Wall and Wevik voting yes and Mickelson voting no)

Hoffmann moved, Prairie Chicken seconded and unanimously carried to continue the meeting past 9:00 a.m. as per the Planning Commission Bylaws. (6 to 1 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)

49. No. 03OA003 - Ordinance Amendment

A request by Faulk & Foster for Western Wireless to consider an application for an **Ordinance Amendment** to amend Sections 17.14.020 and 17.14.03 to allow microcell cellular communication facilities as defined in Section 17.04.483 on buildings greater than or equal to 45 feet or five stories in a High Density Residential Zoning District.

Fisher presented the request and staff's recommendation. Fisher reviewed the requirements of High Density Residential Zoning Districts and the intensity of land use.

Ralph Wyngarden, Faulk and Foster for Western Wireless, reviewed the background on the applicant's Ordinance Amendment request, the four criteria established in Section 17.54.040(D)(1), the summary of staff's finding, the demand for quality service, and possible health concern issues. Wyngarden stated that in his opinion placing a microcell cellular communication facility in High Density Residential District is an appropriate land use and will not adversely affect the residential district. He requested that the Planning Commission approve the Ordinance Amendment to allow microcell cellular communication facilities as defined in Section 17.04.483 on buildings greater than or equal to 45 feet or five stories in a High Density Residential Zoning District.

In response to a question by Wevik, Fisher stated that telecommunication facilities are a permitted use in designated zoning districts if they meet specific criteria. She stated that if the telecommunication facility goes beyond the specific criteria then it would be allowed as a conditional use. Fisher explained that the applicant could also pursue an 11-6-19 SDCL Review to allow a public utility on private property.

Fisher briefly discussed the status of the agreement with SHE for the Master Plan for Telecommunication Facilities. She added that since that agreement has been dissolved with SHE, staff has been working on the ordinance. She advised that staff had encouraged the applicant to submit this ordinance amendment to expedite his review for his present needs.

In response to a question by Hoffmann, Booher stated that the staff's recommendations concerning health regulations is appropriate and added that the Federal Communications Commission regulations do not preempt the city from making zoning considerations.

Hoffmann stated that he supports cell towers in appropriate zoning district areas but will not support cell towers in residential areas.

Hoffmann moved and Wall seconded to recommend that the Ordinance Amendment to amend Sections 17.14.020 and 17.14.03 to allow microcell

cellular communication facilities as defined in Section 17.04.483 on buildings greater than or equal to 45 feet or five stories in a High Density Residential Zoning District be denied.

Wevik stated the he concurs with Hoffmann's concerns regarding cell towers in residential districts but also understands the public's demand for service. He added that he is not adamantly opposed to the text change of limiting microcell cellular communication facilities on building greater than or equal to 45 feet or five stories in a High Density Residential Zoning District.

The vote on the motion carried to recommend that the Ordinance Amendment to amend Sections 17.14.020 and 17.14.03 to allow microcell cellular communication facilities as defined in Section 17.04.483 on buildings greater than or equal to 45 feet or five stories in a High Density Residential Zoning District be denied. (5 to 1 with Hoffmann, Mashek, Mickelson, Prairie Chicken and Wall voting yes and Wevik voting no)

50. 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.

Marino presented the request. He added that the Planning Commission had a tie vote on the Special Exception to the Floodplain Building District Ordinance at the June 5, 2003 Planning Commission meeting. He explained that the Special Exception went onto the City Council without a recommendation and the City Council approved the Special Exception to the Floodplain building District Ordinance at the June 16, 2003 City Council meeting.

Hoffmann asked for clarification on 11-6-19 SDCL Review of public improvements in a public place.

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

Building Inspection Division Recommendations:

1. Prior to any construction at the site, a building permit shall be obtained

Urban Planning Division Recommendations:

- 2. The applicant shall submit any future development or expansion of use at the site to the Planning Commission for review through the 11-6-19 SDCL Review process;**
- 3. The stipulations of the corresponding Special Exception to the Floodplain Development regulations shall be met at all times; and,**
- 4. All lighting at the site shall be constructed in such a manner so as to minimize the impacts on the surrounding land uses. (6 to 1 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting**

yes and none voting no)

2. No. 686 - Section 36, T2N, R7E

A request by the City of Rapid City to consider the **Dissolution of Tax Increment District #10** on property described by metes and bounds as beginning at the southeast corner of the North Street and 5th Street intersection; thence east 2247.29 feet along the south side of the North Street right-of-way to the northeast corner of Tract A; thence south along the east side of Tract A 518.27 feet to the north side of the Chicago Northwestern Railroad right-of-way; thence southwest along railroad right-of-way; thence southwest along the railroad right-of-way approximately 1139.76 feet to the south right-of-way line of New York Street to the east right-of-way line of 5th Street; thence north 1215.13 feet along the east right-of-way line of 5th Street to the Point of Beginning. Also to be include are Lot ER of the Original Townsite and that portion of Tract 24 of the Greenway Tracts lying north of Rapid Creek, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Rapid Creek, south of North Street, west of East Boulevard and east of Fifth Street, plus the Civic Center parking lot.

Mickelson expressed concerns that the conditions of the original Tax Increment District was to purchase property in Block 18. She added that the purchase has not been completed. Mickelson commented that not much was accomplished in regards to placing property on the tax rolls as much of the property in Block 18 is tax exempt.

A brief discussion followed concerning the base value of the property and the parking lot improvements.

Mickelson moved, Wall seconded and unanimously carried to recommend that the Resolution dissolving Tax Increment District No. 10 be approved. (6 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)

51. Discussion Items

A. Severson Street/Dunham Drive Renaming

Planning Commission continued the Severson Street/Dunham Drive Renaming discussion to the July 10, 2003 Planning Commission meeting.

B. Zoning Variance Application Fees - Jim Clark

Planning Commission continued the Zoning Variance Application Fees discussion to the July 10, 2003 Planning Commission meeting.

52. Staff Items

A. Thank you

Fisher thanked Bob Wall and Dawn Mashek for their time on the Planning Commission. She stated that it has been a pleasure to work for them.

53. Planning Commission Items

None

Draft

54. Committee Reports
None

There being no further business Wall moved, Mashek seconded and unanimously carried to adjourn the meeting at 9:35 am. (6 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Wall and Wevik voting yes and none voting no)