



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 10, 2003

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt and Jeff Stone

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Jeff Marino, Jason Green, Tim Behlings, Dave Johnson, Dave LaFrance and Nadine Bauer

Secretary Hoffmann called the meeting to order at 7:10 a.m.

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

Staff requested that Items 9 and 10 be removed from the Non-Hearing Consent Agenda for separate consideration. Schmidt requested that Item 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Schmidt seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 16 in accordance with the staff recommendations with the exception of Items 9, 10 and 15. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 26, 2003 Planning Commission Meeting Minutes.
2. Adoption of Wonderland Drive Drainage Basin Design Plan

Planning Commission recommended adoption of the Wonderland Drive Drainage Basin Design Plan.

3. No. 02PL029 - Murphy Ranch Estates
A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

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

4. No. 02PL093 - Murphy Ranch Estates



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

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

5. 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 24, 2003 Planning Commission meeting to allow the applicant to submit additional information.

6. 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 24, 2003 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 at that the 11-6-19 SDCL Review be continued to the July 24, 2003 Planning Commission meeting to allow the applicant to obtain approval from the Pennington County Board of Commissioners to open the west half of the section line right-of-way.

8. 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 24, 2003 Planning Commission meeting to allow the applicant to submit topographic information and a conceptual drainage plan.

11. 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 be continued to the July 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

12. 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 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

13. 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 August 21, 2003 Planning Commission meeting.

14. Item omitted

16. 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 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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

9. No. 03PL070 - Trailwood Village Subdivision

A request by Renner and Sperlich Engineering, Co. for Word of Hope Wesleyan Church to consider an application for a **Layout, Preliminary and Final Plat** on Lot B of Block 16, Trailwood Village located in the SE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the SE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Covington Street and East Highway 44.

Elkins advised that the applicant has requested that the Layout, Preliminary and Final Plat be denied without prejudice.

Mickelson moved, Schmidt seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be denied without prejudice. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

10. No. 03PL071 - Washburn Lot

A request by Renner and Sperlich Engineering, Co. for Pat Vidal to consider an application for a **Layout, Preliminary and Final Plat** on Lot A and Lot B, of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, less Lot H-1 of Lots 1 and 2 of the Washburn Lot, and the balance of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of West Main Street and Jackson Boulevard.

Marino presented the request, reviewed the slides of the subject property and



distributed a list of revised stipulations of approval to the Planning Commission.

Elkins clarified that the applicant met with staff recently and proposed to revise the severity of the flagpole configuration to avoid having to put in any of the infrastructure associated with a private street. Elkins added that the applicant does have a sale pending on the property and asked that the Planning Commission make a recommendation to City Council today.

Marino explained that the applicant has proposed changes to the access easement and proposed an additional flagpole with a 40 foot by 40 foot shared access agreement on the north of the lot and taking access to Lot 2 from Lot 1.

Elkins added that this type of access easement is consistent with what the City has required of other applicants in a situation such as this.

In response to a question by Schmidt, Marino advised that the flagpole access would be provided on the west side of the existing Lot 2.

Discussion followed concerning the stipulations of approval and submittal of a revised plat document.

Doug Sperlich, Renner and Sperlich, clarified that the plat identifies a curb cut on the flagpole on the east side but the curb cut was sealed up when the building was built and technically that does not serve as an access point.

Elkins stated that the plat would show the east flagpole as a non-access easement so that legally and physically it could not be utilized as an approach to the back lot.

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

Engineering Division Recommendations:

- 1. Prior to City Council approval of the Preliminary Plat, sewer plans prepared by a Professional Engineer showing the extension of sanitary sewer mains along the abutting West Main Street Right-of-Way shall be submitted for review and approval, or the applicant shall sign a Waiver of Right to protest a future assessment for the improvement;**
- 2. Prior to City Council approval a revised plat document shall be submitted showing alternative lot design shall be submitted for review and approval eliminating the access easement. The plat shall be in compliance with all of the City's Ordinance Requirements, the City's Street Design Criteria Manual requirements and State statutes to the proposed lots;**

Fire Department Recommendation:

- 3. Prior to City Council approval of the Preliminary Plat, the applicant shall submit a revised plat document showing compliance with all applicable Uniform Fire Codes for required emergency vehicle access;**

Transportation Planning Division Recommendations:



4. **A non access easement shall be shown along the east most “flag pole” front along the West Main Street frontage;**
5. **A maximum 40 foot by 40 foot shared access easement shall be shown at the western “flag pole” adjacent to the West Main Street frontage;**
6. **A structural survey showing the revised property boundary locations shall be submitted indicating compliance with all required setbacks and other zoning requirements. Off-street parking to support each structure shall be provided on each lot or parking and access easements shall be provided on the plat document prior to Final Plat approval;**

Urban Planning Division Recommendations:

7. **Prior to City Council approval of the Final Plat, the applicant shall submit a revised plat document showing Lots A and B as Lots 1R and 2R;**
 8. **Prior to Final Plat approval by the City Council, a subdivision estimate form for any required improvements shall be submitted for review and approval; and,**
 9. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)**
15. **No. 03SR035 - Lazy P-6 Subdivision**

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **11-6-19 SDCL Review to allow construction of a street in the Section Line Highway** on Government Lot 1 and 2, Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of the current Parkview Drive terminus.

In response to a question by Schmidt, Elkins explained that the general rule is that a section line highway shall be improved or vacated.

Fisher reviewed the request and slides of the subject property.

Fisher stated that the applicant is proposing to construct Parkview Drive within the section line highway as it abuts Lot 1, Block 1 in order to provide access to the property. She added that the applicant is also proposing to construct 5th Street as it extends north from Catron Boulevard within the section line highway as it abuts the balance of subject property.

In response to a question by Schmidt, Fisher advised that it is private construction as part of a development project of a public street within public right-of-way.

Schmidt moved, Mickelson seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow construction of a street in the Section Line Highway be approved with the following stipulations:



Engineering Division Recommendations:

1. Fifth Street shall be constructed in compliance with City approved road construction plans;
2. Prior to the start of construction for Parkview Drive, construction plans shall be submitted for review and approval. In addition, the construction of Parkview Drive shall comply with the City approved road construction plans;

Fire Department Recommendation:

3. Temporary turnarounds shall be provided at the northern terminus of Fifth Street and the southern terminus of Parkview Drive to accommodate Fire Department apparatus; and,

Air Quality Division Recommendation:

4. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann 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 Items 17, 31 and 32 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 24 be removed from the Hearing Consent Agenda for separate consideration. An audience member requested that Items 18 and 19 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Stone seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 17 thru 32 in accordance with the staff recommendations with the exception of Items 17, 18, 19, 24, 31 and 32. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

*20. No. 02PD063 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along



the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission denied the Planned Development Designation without prejudice.

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

21. No. 02PL114 - Red Rock Estates

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

Planning Commission recommended that the Preliminary and Final Plat be denied without prejudice.

22. No. 02RZ065 - Red Rock Estates

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



Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be denied without prejudice.

23. No. 02SV042 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be denied without prejudice.



25. No. 03PL068 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 10-12, Block 4; Lots 1-11, Block 17; Lots 12-22, Block 15; Lots 3-5, Block 16 of Big Sky Subdivision and dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2NW1/4SE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of South Pitch Drive and Elmer Street.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised addressing redline comments from the City Engineering Division;**
3. **Prior to Preliminary Plat approval by the City Council, the revised construction plans shall be reviewed and approved by the City of Rapid City. In addition, the water and sewer plans shall be reviewed and approved by the Rapid Valley Sanitary District;**

Fire Department Recommendations:

4. **The Uniform Fire Codes shall be continually met;**

Urban Planning Division Recommendations:

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

26. No. 03RZ024 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of South Pitch Drive and Elmer Street.

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

27. No. 03CA017 - I-90 Heartland Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for a **Comprehensive Plan Amendment to amend the Major Street Plan** on the S1/2 of Section 21; and, the NE1/4, NW1/4 SE1/4, E1/2 NW1/4 and the NE1/4 SW1/4 of Section 28, all located in T2N, R8E, BHM, Rapid City, Pennington



County, South Dakota, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

Planning Commission recommended that the Comprehensive Plan Amendment to amend the Major Street Plan be approved with the following stipulation:

Engineering Division Recommendations:

- 1. Prior to City Council approval, the applicant shall demonstrate that the elevations of the water and sewer line(s) to be located within the proposed relocated street(s) are in compliance with the City's Utility Master Plan.**

*28. **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 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, 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 24, 2003 Planning Commission meeting to allow the applicant to submit additional information.

*29. **No. 01UR042 - Section 23, T1N, R7E**

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

Planning Commission continued the Revocation of a Use on Review to allow a Communication Tower in the Public Zoning District to the August 21, 2003 Planning Commission meeting at the applicant's request.

*30. **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 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

---END OF HEARING CONSENT CALENDAR---

*17. No. 02PD059 - Cleary Subdivision

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

Fisher stated that two of the stipulations of approval have not been met and staff is recommending that the Planned Unit Development - Final Development Plan be continued to the July 24, 2003 Planning Commission meeting.

In response to a question by Prairie Chicken, Fisher explained that a curb stop has not been constructed along that portion of the parking lot abutting Wellington Drive nor has the additional proposed landscaping been planted. She added that surety has not been posted for either of the improvements.

Stone moved, Schmidt seconded and unanimously carried to continue Final Planned Unit Development to the July 24, 2003 Planning Commission meeting. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

A member of the audience requested that Items 18 and 19 be considered concurrently.

*18. 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.

19. 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.



Pat Hahn, 1105 Regency Court, stated that she would not be able to attend the July 24, 2003 Planning Commission meeting. She stated that she strongly opposes townhomes being constructed across from single family residences and asked that the Planning Commission deny the applicant's request and protect the integrity and value of their homes.

Kent Hagg, 1130 Regency Court, stated that he is not opposed to the applicant's proposed development but expressed his concerns with the applicant's proposed 65 foot frontage on single family dwellings. He added that in his opinion an 80 foot frontage is consistent with the South Hill Development. Hagg stated that the applicant and area residents have made progress in this matter and he believes that both parties are close to a compromise. He also suggested that the applicant meet with the South Hill Homeowners Association before the next Planning Commission meeting to discuss inconsistent building concerns along Wellington Drive.

Gene Quinn, applicant, expressed his frustration with the area residents concerns regarding his proposed 65 foot frontage on the interior lots for single family homes.

In response to a question by Schmidt, Quinn stated that he could try to schedule a meeting with the Homeowners Association again before the July 24, 2003 Planning Commission meeting but added that in his opinion he did not feel it would be that beneficial as he believes that an 80 foot frontage on the interior lots is an unreasonable request.

Hoffmann stated that staff is recommending that Items 18 and 19 be continued to the July 24, 2003 Planning Commission meeting and he encouraged the area residents and the applicant to continue to work together to reach an acceptable compromise.

Prairie Chicken moved, Schmidt seconded and unanimously carried to continue the Planned Unit Development - Initial and Final Development Plan and the Preliminary and Final Plat to the July 24, 2003 Planning Commission meeting to allow the applicant to submit additional information. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

24. No. 03AN008 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of South Pitch Drive and Elmer Street.

Schmidt stated that he had requested that the Petition for Annexation be removed from the Hearing Consent Agenda for separate consideration because he was interested in the city limits boundary. He stated that he has spoken with Bulman and that he has no further questions regarding the annexation.



Schmidt moved, Mickelson seconded and unanimously carried to recommend that the Petition for Annexation be approved contingent on any payment that may be due to the Rapid Valley Fire District being made by the City of Rapid City upon annexation. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

Bulman requested that Items 31 and 32 be considered concurrently.

31. No. 03TI009 - Section 3, T1N, R8E and Section 34, T2N, R8E
A request by Dream Design International to consider an application for a **Resolution Creating Tax Increment District No. 42** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.
32. No. 03TI010 - Section 3, T1N, R8E and Section 34, T2N, R8E
A request by Dream Design International to consider an application for a **Tax Increment District No. 42 - Project Plan** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big



Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Jason Green, Assistant City Attorney, stated that it is the opinion of the City Attorney's Office, that 25% of the land in the proposed Tax Increment District No. 42 is not blighted as required by State law.

Bulman distributed a handout prepared by Jim Preston, Finance Officer, regarding how much Tax Increment District's cost tax payers in terms of dollars per \$100,000 in valuation.

In response to a question by Hoffmann, Green advised that on other Tax Increment Financing Districts the City Attorney's Office has made the City Council and Mayor aware of their position concerning blighted property in a public forum. He added that this Tax Increment District has not been before the City Council or the Mayor yet and the City Attorney's Office will present their position at the appropriate time.

Elkins advised that staff is recommending that Items 31 and 32 be continued to the July 24, 2003 Planning Commission meeting as the annexation portion of this



proposed district has not become effective.

Mickelson stated that she would like to see the cumulative effect of all 2002 and 2003 Tax Increment Districts. She stated that in her opinion the handout prepared by Preston is not a picture of the cumulative effect at all of approved districts.

Elkins explained that there are three Tax Increment Districts in place that are actually affecting the taxes that are being charged against the other property owners. She further explained that this is just a snap shot of what the values are each year. She added that the impacts of the additional Tax Increment Districts that have been approved subsequently cannot be identified because we don't know what the total valuations will be at that time and we don't know what the levies will be. Elkins noted that the Finance Office has advised that that information including the next year's impact will likely be available this fall after the levies are established and the County has identified the total valuations for the School District. Elkins stated that she recognizes that although this does not identify the full impact, this is the best information that staff can provide based on what we know today.

Schmidt stated that in his opinion the Planning Commission should seriously consider following the recommendation of the City Attorney's Office concerning Tax Increment Districts.

Mickelson moved, Schmidt seconded and unanimously carried to recommend that the Project Plan and the Resolution Creating Tax Increment District No. 42 be continued to the July 24, 2003 Planning Commission meeting to allow the annexation portion of this proposed district to become effective. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 33 and 34 be considered concurrently.

33. No. 03PL067 - I-90 Heartland Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation.



In response to a question by Mickelson, Fisher stated that the Planning Commission could act on the Preliminary Plat today and then prior to City Council approval the applicant would need to vacate the section line highway located along the north lot line.

Discussion followed concerning submittal of construction plans.

Mickelson expressed her concern with the number of things that are done between the time that Planning Commission recommends approval and the time that it goes before City Council.

Elkins explained that it was within the purview of the Planning Commission to continue the Preliminary Plat until all information has been provided. Elkins stated that in staff's judgment, the Preliminary Plat was at a state that staff felt it is appropriate to recommend approval.

Stone moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an oversize reimbursement agreement with the City for the design and construction of affected sanitary sewer and water distribution system components within the subdivision;
2. Prior to Preliminary Plat approval by the City Council, a revised drainage report and grading plan shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised addressing redline comments from the City Engineering;
4. Prior to Preliminary Plat approval by the City Council, the revised construction plans shall be reviewed and approved by the City Engineering;
5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;

Fire Department Recommendation:

6. The Uniform Fire Codes shall be continually met;

Emergency Services Communication Center Recommendation:

7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show "Elk Vale Road" as "N. Elk Vale Road";

South Dakota Department of Transportation Recommendation:

8. Prior to Preliminary Plat approval by the City Council, approach permits along Elk Vale Road for Mall Drive and Seger Drive shall be obtained;

Urban Planning Division Recommendations:

9. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan shall be



obtained relocating the east-west minor arterial street located along the north lot line approximately 500 feet south as shown on the plat document or the plat document shall be revised to provide a minor arterial road in the previously adopted location;

- 10. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 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. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)**

34. No. 03SV023 - I-90 Heartland Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for a **Variance to the Subdivision Regulations to allow platting on one half of the right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement on the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow platting on one-half of the right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement on the section line highway be denied. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

Fisher requested that Items 35 and 36 be considered concurrently.

35. No. 03PL072 - Lazy P-6 Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Layout Plat** on Lot 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of the current Parkview Drive terminus.



36. No. 03SV024 - Lazy P-6 Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of the current Parkview Drive terminus.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendation.

Fisher further reviewed the Special Exception to allow more than 40 dwelling units with one point of access. Fisher stated that there are six existing dwelling units located to the north along Parkview Drive which would also utilize this one access point. Fisher stated that due to traffic concerns, staff is recommending that the Special Exception to allow 78 dwelling units with one point of access be denied. She further pointed out that the City Council did recently grant a Special Exception and allowed West Hills Village to have 69 dwelling units with one point of access. She pointed out that the applicant in the West Hills Village project did demonstrate that once the property owner to the south platted the right-of-way for Minnesota Street and tied into Alta Vista Drive, West Hills Village would then have two points of access. She explained that the access was provided within two months of the approval of the Special Exception. Fisher stated that in this situation staff is not sure when Parkview Drive will be extended and 5th Street will be constructed. Fisher explained that staff does not support the Special Exception.

Discussion followed concerning the Variance to the Subdivision Regulations, tax exempt properties, the approval of the Special Exception for West Hills Village and the vacation of the east portion of the section line highway.

Schmidt moved, Mickelson seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. **Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed;**
4. **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. In addition, the applicant shall delineate the proposed service boundaries for the sewer extension;

5. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, the applicant shall delineate the proposed service boundaries for the water extension;
6. Upon submittal of the 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 and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, the construction plans shall show a temporary turnaround at the eastern terminus of the Local Road located south of the subject property and at the intersection of the Local Road and Parkview Drive;
7. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the rights-of-way for Parkview Drive and Fifth Street located on an adjacent property(s) or the west half of the rights-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire rights-of-way for Parkview Drive and Fifth Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
8. Upon submittal of the Preliminary Plat, road construction plans showing the proposed road to be located along the south lot line of the subject property as a local street shall be submitted for review and approval. In addition, the road construction plans shall show a temporary turnaround at the eastern terminus of the local street and at the intersection of the local street and Parkview Drive;
9. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
10. Prior to Final Plat approval by the City Council, the plat document shall be revised to provide an additional five feet of right-of-way for the section line highway located along the north lot line or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of the north half of the right-of-way for the section line highway located on an adjacent property or the north half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for the section line highway shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
11. Prior to Final Plat approval by the City Council, a non-access



easement shall be shown along the perimeter of Lot 1, Block 1 except for approved approach locations. In particular, access shall be taken from the lesser order street or a Special Exception to the Street Design Criteria Manual shall be obtained;

12. Upon submittal of the Preliminary Plat, a phasing schedule for the balance of the Master Plan shall be submitted for review and approval. In addition, the Master Plan shall be revised to show access to all lots located within the Low Density Residential II District. The Master Plan shall also provide a road connection to the property located north of the subject property;
13. The Special Exception to allow more than 40 dwelling units with one point of access is hereby denied;

Fire Department Recommendations:

14. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval

Emergency Services Communication Center Recommendation:

15. Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval;

South Dakota Department of Transportation Recommendation:

16. Prior to Final Plat approval by the City Council, an approach permit for the Fifth Street approach onto Catron Boulevard must be obtained;

Urban Planning Division Recommendations:

17. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
18. 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 along the section line highway be denied. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

37. **No. 03SE004 - Superpumper Addition**

A request by DLK Engineering for South Creek Limited Partnership to consider an application for a **Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access** on Lot 2 less 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, 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.

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

Fisher explained that there is 200 feet of East Oakland Street within the Parkhill Development located north of the subject property that has not been platted or constructed. Fisher added that the next phase of development within the Parkhill Development will require the construction of this 200 feet of East Oakland Street. Fisher stated that there is no trigger or timeframe to identify as to when the road will be constructed. She explained that due to traffic concerns on Cambell Street, staff is recommending that the Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access be denied.

Dave Kallemeyn, DLK Engineering for South Creek Limited Partnership, stated that South Creek Limited Partnership is working with the Parkhill Development concerning the 200 feet of East Oakland Street. Kallemeyn added that South Creek Limited Partnership would like to build the project all at once as they have secured financing and tax credits. Kallemeyn asked the Planning Commission to approve the Special Exception.

In response to a question by Prairie Chicken, Kallemeyn advised that he did not believe that South Creek Limited Partnership and Parkhill Development could have an agreement in place within two weeks.

In response to a question by Schmidt, Kallemeyn stated that it is his opinion that there is adequate emergency and public access to the proposed 80 dwelling units as there is a separate interior loop that accesses the one point of access at two different locations.

Mickelson supports staff's recommendation to deny the Special Exception and expressed her concerns with access and traffic onto SD Highway 79. She asked if the applicant had been in contact with the South Dakota Department of Transportation. Kallemeyn advised that the applicant has applied for an approach permit from the South Dakota Department of Transportation and that permit has been reviewed and approved.

Doug Sperlich, Renner and Sperlich, advised that he opposes the 40 dwelling unit rule with one point of access. He stated that in his opinion the rule does not take into consideration the streets leading into a subdivision as to whether they are arterials, collectors or local streets, if there are traffic controls at the intersection that could be manipulated to allow emergency vehicles access, or whether there were fire hydrants on both sides of the streets so that fire hoses



did not have to be extended across the street. He further stated that there are many instances where there are more than 40 units with one access point that have functioned adequately in this community. He added that he thinks 40 units was a very arbitrary number when it was adopted and does not know of any documentation that supports 40, 80 or 120 units. Sperlich stated that there are numerous cases in the community where development has been stymied because one developer has control of access to another developer's property. He added that he opposes picking a number such a 40 without any regard to the streets or the access points leading to the development. He expressed his concerns with limiting development.

Schmidt stated that in his opinion he does not think that the 40 unit rule is arbitrary and supports staff's recommendation.

Schmidt called the question.

The vote on calling the question passed. (4 to 2 with Fast Wolf, Mickelson, Prairie Chicken and Schmidt voting yes and Hoffmann and Stone voting no)

Schmidt moved, Mickelson seconded to deny Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access. The vote on the motion was tied and pursuant to the Bylaws of the Planning Commission, the request is sent to City Council without a recommendation. (3 to 3 with Mickelson, Prairie Chicken and Schmidt voting yes and Fast Wolf, Hoffmann and Stone voting no)

*38. No. 03PD032 - Fox Run Subdivision

A request by Renner and Sperlich Engineering Co. for Werner Construction LLC to consider an application for a **Major Amendment to a Planned Residential Development to reduce a section line setback from 58 feet to 33 feet** on Lot 17R and 18 of Block 4, Fox Run Subdivision located in the NW1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the west end of Fox Run Drive.

Marino stated that staff is recommending that the Major Amendment to a Planned Residential Development be continued to the July 24, 2003 Planning Commission meeting at the applicant's request.

Stone moved, Schmidt seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to reduce a section line setback from 58 feet to 33 feet to the July 24, 2003 Planning Commission meeting at the applicant's request. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

*39. No. 03UR009 - Section 31, T2N, R8E

A request by Li Zhu for the Hong Kong Buffet to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District** on Tract K of S1/2 NE1/4 SE1/4 less a



parcel 80 feet by 131 feet and less Lot H1; Lot 2 Revised of Tract A of Feigel Subdivision #1, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 927 E. North Street.

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

In response to a question by Prairie Chicken, Marino advised that staff has not received any calls or objections to the application.

Prairie Chicken asked if there were additional liquor establishments located within the strip mall. Marino reviewed the two other liquor license within the strip mall and a the casino located on the northeast corner of site that has a liquor license. Marino stated that staff has reviewed the ordinance regarding undue concentration of similar uses which could cause blight or deterioration to the area. He added that based on staff's review, it does not appear that these uses cause blight or deterioration within this area. He further noted that the applicant's request for an On-Sale Liquor Establishment will be used in conjunction with a full service restaurant with no casino.

Discussion followed concerning the stipulations of approval. Marino stated the applicant is in concurrence with staff's recommendations and added that this particular application does not have a stipulation regarding a time for review.

In response to a question by Schmidt, Marino advised that owners of property located within 250 feet were sent notice of the public hearing. Marino pointed out the location of the casino and added that the elementary school is just outside of the 250 foot notice area. He added that legal notice of the hearing was published in the Rapid City Journal.

Stone moved, Fast Wolf seconded and unanimously carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial District be approved with the following stipulations:

Fire Department Recommendations:

1. The applicant shall submit additional information which shows the dining area is less than 3000 square feet or if the dining is not separated from the kitchen area by a one hour fire wall then the business shall be fully fire sprinklered as per the 1997 UFC amended section reference assemblies serving alcohol prior to Planning Commission approval;
2. The applicant shall verify that an occupancy sign has been posted prior to Planning Commission approval;

Urban Planning Division Recommendations:

3. The applicant shall submit an application signed by the property owner prior to Planning Commission approval; and
4. The On-Sale Liquor Establishment shall be operated in conjunction with a full service restaurant at all times. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, 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.

40. No. 03VR005 - Freedland Subdivision

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

Fisher explained that staff has met with the applicant and discussed the need to maintain the right-of-way until such time as properties in the area develop and determine if the right-of-way is needed in the future. She added that staff is recommending that the Vacation of Right-of-Way be denied without prejudice which will allow the applicant to bring a proposal back to the City without having to pay another application fee.

Schmidt seconded, Stone seconded and unanimously carried to recommend that the Vacation of Right-of-Way be denied without prejudice. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

40A. No. 03SR036 - Seventh Street Right-of-Way

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

Fisher presented the request and reviewed staff's recommendation pointing out the addition of stipulation #9 regarding the timeframe for removal of the portable restrooms.

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

Engineering Division Recommendations:

1. **Temporary barricades shall be placed across Seventh Street at the north and south end of the proposed site during the time of the promenade. In addition, barricades shall be placed in the two alleys as they extend east and west from Seventh Street. In addition, signs shall be posted at the Eighth Street and the Sixth Street alley entrance points, respectively, identifying that the alley is barricaded**



and that no parking within the alley is allowed;

2. Trash cans shall be provided as identified. In addition, all litter and/or debris shall be removed from the property in a timely manner in order to preclude trash from entering the storm sewer system;

Fire Department Recommendations:

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

Building Inspection Division Recommendation:

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

City Attorney's Office Recommendation:

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

Urban Planning Division Recommendations:

7. The promenade shall take place from 6:00 p.m. to 12:00 p.m. on Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday beginning on Memorial Day Weekend and ending on Labor Day Weekend, 2003 only. The promenade shall consist of a street dance, movies and vending booths on Saturday and vending booths only on Sunday. A maximum of 35 vending booths shall be allowed at any one time;
8. All chairs, booths, trash receptacles and temporary barricades shall be removed Sunday night immediately following the event. The structures may remain Saturday night if security officer(s) are on duty throughout the night; and,
9. The portable restrooms shall be removed from the site no later than 10:00 a.m. on Monday. In addition, the portable restrooms shall be chained to prevent the structures from being tipped over and/or removed illegally from the site. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

41. **Discussion Items**

- A. Zoning Variance Application Fees - Jim Clark

Jim Clark, Building Inspection, reviewed the variances processed by the Zoning Board of Adjustment for 2000 thru 2002 and the costs associated with the variance requests. Clark also reviewed staff's recommendation.

Discussion followed concerning the Comprehensive Plan Amendment procedure, Planning and Zoning Application fees in other counties and municipalities in South Dakota, the City's present philosophy regarding taxes versus cost recovery and the promotion of economic development.

In response to a question by Schmidt, Elkins explained that each department's budget is based on needs and added that any fees go into



the general fund and do not supplement department budgets.

Schmidt stated that he supports a fee increase but is not certain what dollar amount would be appropriate.

Stone stated that he sits on the Zoning Board of Adjustment. He added that he knows that the staff puts in a considerable amount of time reviewing variance applications and that in his opinion \$75.00 is a little low and he has no objection to raising the fee.

In response to a question by Schmidt, Elkins advised that the fee for a variance has been \$75.00 for 14 years or more.

Discussion followed concerning the difference between Building Permit fees and Planning and Zoning application fees.

In response to a question by Hoffmann, Clark stated that he initiated this request and added that after reviewing the current Building Inspection fees and procedures, he felt that it would be appropriate to have the variance fees more in line with development fees.

Mickelson commended Clark for reviewing the current Building Inspection fees and procedures and bringing it forward to the Planning Commission for recommendation.

Prairie Chicken stated that he is not opposed to raising the variance fee but is opposed to raising the fee to \$250.00. He stated that in his opinion an increase to \$150.00 would be appropriate.

Schmidt moved, Mickelson seconded and carried to authorize staff to advertise for a public hearing to consider an Ordinance Amendment to increase the Variance application fee to \$250.00. (4 to 0 with Hoffmann, Mickelson, Schmidt, and Stone, voting yes and Fast Wolf and Prairie Chicken voting no)

B. Severson Street/Dunham Drive Renaming

Elkins reviewed the request and staff's recommendation. She advised that Mr. Dunham had requested that the Transportation Planning staff conduct research on whether or not collector roads need to be contiguous roads. She further explained that after conducting this research, staff has found that there is no such requirement to require continuous streets. Elkins stated that Mr. Dunham plans to resubmit his Layout Plat and seek to have a revised recommendation to address this issue. She explained that he is proposing a possible roundabout or another alternative. Elkins stated for that reason staff is recommending that the Severson Street/Dunham Drive Renaming be tabled to allow Mr. Dunham to pursue a revised Layout Plat.

Stone moved, Prairie Chicken seconded and unanimously carried to



recommend that the discussion on the Severson Street/Dunham Drive Renaming be tabled. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)

42. Staff Items

A. City Council Chambers Lighting Upgrade

Elkins provided a brief update on the lighting upgrade for the City Council Chambers and thanked the Planning Commission for their indulgence in dealing with the temporary room set up. Elkins added that the July 24, 2003 Planning Commission meeting will also be held in the First Floor Community Room at 7:00 a.m.

43. Planning Commission Items

A. Election of Officers

Discussion followed concerning the Election of Officers.

Hoffmann entertained nominations for Chairperson.

Hoffmann nominated Wevik.

Mickelson nominated Hoffmann.

Nominations ceased and there was a tie between Wevik and Hoffmann for Planning Commission Chairperson. (3 to 3 with Hoffmann, Prairie Chicken and Stone voting for Wevik and Fast Wolf, Mickelson and Schmidt voting for Hoffmann)

Discussion followed concerning a paper ballot and continuing the Election of Officers to the July 24, 2003 Planning Commission meeting.

The Planning Commission members concurred to continue the Election of Officers to the July 24, 2003 Planning Commission meeting.

B. Planning Commission Appointments

In response to a question by Prairie Chicken, Elkins advised that Mayor Shaw is working on Planning Commission Appointments this week and hopefully he will make appointments prior to the next Planning Commission meeting.

There being no further business Schmidt moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 9:00 am. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)