



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 24, 2003

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Ethan Schmidt, Jeff Stone and Stuart Wevik

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

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

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

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

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

1. Approval of the July 10, 2003 Planning Commission Meeting Minutes.
2. No. 02PL029 - Murphy Ranch Estates  
A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 7, 2003 Planning Commission meeting to allow the applicant to submit additional information and a revised plat document.**

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

4. No. 02PL083 - Neff Subdivision

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

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 21, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

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 August 21, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

6. No. 03PL069 - Century Park Subdivision

A request by Renner & Sperlich Engineering for Thomas J. Farrar to consider an application for a **Preliminary and Final Plat** on Lots 6A and 6B of Block 2, Century Park Subdivision located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, legally described as Lot 6 of Block 2 of Century Park Subdivision located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, more generally described as being located along Samco Road.

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

**Engineering Division Recommendations:**

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the 25 foot X 40 foot common access easement as a "shared approach" or construction plans in compliance with the City's Street Design Criteria Manual for the access easement shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, verification from Williston Basin Pipeline Company indicating concurrence with the**



relocated gas pipe line easement shall be submitted for review and approval;

3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,

**Urban Planning Division Recommendations:**

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 fees shall be paid.

7. 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 August 7, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

8. 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 August 7, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

9. 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 August 7, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

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

---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 16 be removed from the Hearing Consent Agenda for separate consideration. Audience members requested that Items 10, 11, 19 and 22 be removed from the Hearing Consent Agenda for separate consideration.**

**Hoffmann moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 10 through 32 in accordance with the staff recommendations with the exception of Items 10, 11, 16, 19, and 22. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, and Stone, voting yes and none voting no)**

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

12. No. 03CA014 - Section 20, T2N, R7E  
**Comprehensive Plan Amendment – Summary of Adoption Action** to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

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

13. No. 03CA015 - Superpumper Addition  
**Comprehensive Plan Amendment – Summary of Adoption Action** 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 Summary of Adoption Action be approved and authorized publication in the Rapid City Journal.**

14. No. 03CA016 - Northern Heights  
**Comprehensive Plan Amendment – Summary of Adoption Action** 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 Summary of Adoption Action be approved and authorized publication in the Rapid City Journal.**

15. No. 03OA002 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code relating to the storage and parking of trucks, trailers and commercial vehicles.

**Planning Commission recommended that the Ordinance Amendment be continued to the October 9, 2003 Planning Commission meeting to allow for staffing levels to address all issues related to the proposed ordinance.**

\*17. 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.

**Planning Commission continued the Planned Unit Development - Initial and Final Development Plan to the August 7, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

18. 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.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the August 7, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

\*20 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 set back 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.

**Planning Commission continued the Major Amendment to a Planned Residential Development to reduce a section line setback from 58 feet to 33**



feet to the August 7, 2003 Planning Commission meeting to allow the applicant time to submit a revised site plan.

\*21 No. 03PD034 - R&L Subdivision

A request by Five T Motorcycle Partnership to consider an application for a **Major Amendment to a Planned Commercial Development to allow an On-Sale Liquor Establishment** on Lots 1, 2, and 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 Lange Road.

**Planning Commission approved the Major Amendment to a Planned Commercial Development to allow an On-Sale Liquor Establishment with the following stipulations:**

**Fire Department Recommendations:**

1. Fire Department shall approve Tent Inspection Checklists and Tent Inspection Plan Reviews prior to the event;
2. All current fire codes shall be continually met;

**Building Inspection Division Recommendations:**

3. A Temporary Use Permit shall be obtained prior to the initiation of the event each year;
4. The applicant shall obtain a Sign Permit for any advertising signs or any directional signs over five square feet in size, posted in conjunction with this event;

**Police Department Recommendations:**

5. All individuals served alcoholic beverages shall be carded and shall wear a wristband. No alcohol sales shall occur after dark;
6. Adequate security shall be provided at all times including monitoring of incoming and outgoing vehicular traffic while alcohol is being sold on the premises;
7. Staff shall attend the alcohol sales classes presented by the Rapid City Police Department prior to the event;
8. There shall be no organized concerts or other entertainment;

**Urban Planning Division Recommendations:**

9. The Temporary On-sale Liquor Establishment use shall be approved to coincide with the Sturgis Rally and Races each year;
10. The event shall begin no earlier than 11:00 a.m. and cease on or before 11:00 p.m.;
11. The Temporary Use Permit with the Planned Commercial Development request shall be subject to review in three years; and,
12. A Temporary On-sale Liquor Establishment use shall also be approved for one day only in September 2003. The event shall begin no earlier than 11:00 a.m. and cease on or before 11:00 p.m.

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





23. No. 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 approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to Preliminary Plat approval by the City Council, a lot for the Highway 16 zone reservoir shall be provided to the City. In addition, an easement extending south of the subject property, along the section line highway, to Sheridan Lake Road shall be provided to allow for the installation of a transmission line to the upper zone reservoir. Construction easement(s) for the project shall also be provided;**
2. **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:**

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

**Urban Planning Division Recommendations:**

4. **Prior to Preliminary Plat approval by the City Council, the section line highway located along the west 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,**
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 fees shall be paid.**

24. 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 acknowledged the applicant's withdrawal of the 11-6-19 SDCL Review to allow the construction of a road in the section line highway.**

25. No. 03SV025 - 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 curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Subdivision; 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 Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved 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.**

26. **No. 03SV026 - Feay Reder Subdivision**

A request by Richard and Gladys Bray to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along the section line highway and Sheridan Lake Road** on 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 Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along the section line highway and Sheridan Lake Road be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements; and,**
2. **Upon submittal of a Preliminary Plat, a revised plat document be submitted showing an additional 17 feet of Right of Way along Sheridan Lake Road where it abuts the subject property.**

27. **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.

**Planning Commission recommended that the Resolution Creating Tax Increment District No. 42 be continued to the August 7, 2003 Planning Commission meeting to allow the applicant to provide additional information.**

28. 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.

**Planning Commission recommended that the Project Plan for Tax Increment District No. 42 be continued to the August 7, 2003 Planning Commission meeting to allow the applicant to provide additional information.**

\*29. 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 application to allow professional offices in High Density Residential District to the August 7, 2003 Planning Commission meeting to allow the applicant to submit additional information.**

30. No. 03VR006 - I-90 Heartland Business Park

A request by FMG, Inc. for Bypass LLC to consider an application for a **Vacation of Right-of-Way** on the south 1/2 of the section line right-of-way that is located along the north side of the NE1/4 of 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.

**Planning Commission recommended that the Vacation of Right-of-Way be tabled.**

31. No. 03PL074 - Canyon Lake Heights Subdivision



A request by William Marx to consider an application for a **Final Plat** on Lot A and Lot B of Block B, Canyon Lake Heights Subdivision, located in the NE1/2 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 NE1/2 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4730 Cliff Drive.

**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 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;
2. Prior to Final 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;
3. Prior to Final 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;
4. Prior to Final Plat approval by the City Council, the applicant shall submit a water well agreement demonstrating that the existing well may serve the additional residential lot;

**Fire Department Recommendation:**

5. The Uniform Fire Code shall be continually met;

**Urban Planning Division Recommendations:**

6. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
  7. 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.
32. No. 03VR007 – Canyon Lake Heights Subdivision  
A request by Precision Surveying for William Marx` to consider an application for a **Vacation of Right-of-Way** on Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in NW1/4 of Section 16, T1N, R7E, and also the area to be vacated on the common area of north and south portion of Blocks 1-5 of Chapel Lane Village Subdivision, located in NE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, south Dakota, more generally described as being located at 4730 Cliff Drive.

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



**Urban Planning Division Recommendation:**

1. **Prior to City Council approval, a miscellaneous document creating a 66 foot wide utility easement in place of the section line highway shall be recorded at the Register of Deed's Office.**

---END OF HEARING CONSENT CALENDAR---

10. **No. 03AN009 - R.C. Airport Subdivision**

A request by the City of Rapid City to consider an application for a **Petition for Annexation** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 and east of Reservoir Road.



David Finneman, 15006 Long View Road, advised that his property is adjacent to the airport and that he was concerned that some of his property may be listed in the legal description for the Petition for Annexation. He also expressed interest in the Airport's Master Plan and questioned why the City of Rapid City is requesting a Rezoning from No Use District to Temporary Airport District on an Emergency Basis.

Elkins advised that the staff will review the legal description with Finneman to make sure that none of his property is in the Petition for Annexation. She further explained that only the airport property is to be included in the Petition for Annexation. Elkins also added that there is an Airport Improvement Plan prepared but it has not been adopted into the Comprehensive Plan process yet and as such the City is trying to establish a Temporary Airport District on an Emergency Basis. She stated that staff is recommending that the Petition for Annexation be continued to the August 7, 2003 Planning Commission meeting and that the Rezoning from No Use District to Temporary Airport District on an Emergency Basis be tabled. She further advised that new notices would be sent out to adjacent property owners for a public hearing when the City considers an application for a Rezoning from No Use District to Temporary Airport District. She explained that the rezoning request will occur after the ordinance amendment is completed to add Chapter 100 to create Temporary Zoning Controls for an Airport Zoning District.

**Stone moved, Schmidt seconded and unanimously carried to recommend that the Petition for Annexation be continued to the August 7, 2003 Planning Commission meeting. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

11. No. 03RZ028 - R.C. Airport Subdivision

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Temporary Airport District on an Emergency Basis** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C.





Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 and east of Reservoir Road.

Wevik advised that staff is recommending that the Rezoning from No Use District to Temporary Airport District on an Emergency Basis be tabled.

**Stone moved, Hoffmann seconded and unanimously carried to recommend that the Rezoning from No Use District to Temporary Airport District on an Emergency Basis be tabled. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

\*16. 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 advised that staff is recommending that the Planned Unit Development - Final Development Plan be continued to the August 7, 2003 Planning Commission meeting to allow the applicant time to complete the proposed landscaping and to construct a curb stop along that portion of the parking lot abutting Wellington Drive or post surety for the improvement.

**Schmidt moved, Mickelson seconded and unanimously carried to continue the Planned Unit Development - Final Development Plan to the August 7, 2003 Planning Commission. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

\*19. 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.

Dave Kallemeyn, DLK Engineering for South Creek Village, expressed his concerns with stipulation #17 which requires that prior to issuance of building permits, a revised site plan identifying fourteen additional off-street parking spaces shall be provided. He also distributed a new graphic to the Planning Commission that identifies a total of 152 parking spaces. He pointed out that this parking plan includes 46 attached garages, 11 semi-attached garages, 46 assigned surface parking spaces and 49 unassigned surface parking spaces. Kallemeyn requested that the Planning Commission allow the applicant to use the unassigned surface spaces behind the attached garages to calculate the number of parking spaces required for the development.

Elkins explained that the applicant is proposing a hybrid project. She explained that this project is different in its composition. She added that typically in townhouse projects parking in front of the garages is counted into the parking requirements based on code requirements but that is not done this way for apartments. Elkins further explained that the applicant's project is a Planned Residential Development and the Planning Commission has the ability to grant that exception. She explained that if the Planning Commission chooses to grant the exception it should be noted in the stipulations.

Discussion followed concerning off street parking in front of the garage units being recognized for purposes of calculating the off-street parking requirement.

Hoffmann expressed concerns with stacked spaces in front of garage units and the number of vehicles that will be parked in the development.

Discussion followed concerning landscaping, open areas and the applicant's ability to provide an additional 14 parking spaces.

In response to a question by Mickelson, Kallemeyn advised that the proposed plan is a standard plan that South Creek Village has used in other communities.



Mickelson expressed concern that the City Council approved a Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access. She asked if the City Council was advised that by increasing the number of dwelling units from 40 to 80 that it would create a parking problem for the applicant.

Elkins advised that access was the issue discussed before the City Council on the Special Exception. She added that parking was not discussed. Elkins advised that the proposed plan would have enough parking spaces if the Planning Commission grants an exception allowing the applicant to count the spaces in front of the garages. She added that the Planned Residential Development allows the Planning Commission some flexibility in recognizing that this project is different in design than a standard apartment complex.

Hoffmann stated that he does not support granting an exception to allow the applicant to count the parking spaces in front of the garages.

**Hoffmann moved and Mickelson seconded to approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

**Fire Department Recommendations:**

1. Prior to obtaining a building permit, the location of all on site fire hydrants shall be approved;
2. Prior to obtaining a building permit, water system plans and flow tests shall be approved;
3. All Uniform Fire Codes shall be continually met;
4. All housing units located on the outside perimeter of the property, with the exception of Unit 11J, shall be fire sprinkled throughout;

**Building Inspection Division Recommendations:**

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The applicant shall obtain a Sign Permit for the permanent sign to be placed on the property;

**Engineering Department Recommendations:**

7. Prior to obtaining a building permit, a site plan showing grading, drainage, utilities, and road surfacing shall be submitted to the Engineering Division for approval;
8. Prior to obtaining a building permit, a site plan showing all interior sidewalks and sidewalks located adjacent to East Oakland Street shall be submitted for approval;
9. Prior to the issuance of a building permit for the Initial and Final Planned Residential Development, the site plan shall be revised to provide security lighting for the open space on proposed Lot B of Lot 2;

**South Dakota Department of Transportation Recommendation:**

10. The approach of East Oakland Street onto Cambell Street shall be constructed in accordance with the approved approach permits;

**Urban Planning Division Recommendations:**

11. Prior to obtaining a building permit, road names for the two interior roads must be approved by the Communication Center;



12. **A special exception to allow 80 dwelling units in lieu of 40 dwelling units with one access point has been approved by the City Council at their July 21, 2003 Council meeting. Any future expansion of the project resulting in more than 80 dwelling units with one point of access shall require the granting of another Special Exception or a second access point;**
13. **A minimum 15 foot front yard setback adjacent to Building 5E shall be allowed;**
14. **All construction shall be in compliance with the elevations of the site plan as submitted;**
15. **The permanent sign shall be a maximum six feet wide and five feet in height as submitted on the site plans;**
16. **The buildings will be taupe, white or other neutral or natural color vinyl siding with weathered wood asphalt shingles as approved by the Planning Director; and**
17. **Prior to issuance of building permits, a revised site plan identifying fourteen additional off-street parking spaces shall be provided.**

Discussion followed concerning a potential change in the design of the buildings to eliminate the walkways that would allow greater access for fire personnel.

Kallemeyn explained that the Fire Department has expressed concerns with the current design plans which show a covered walkway between the fourplexes. He stated that after meeting with the Fire Department, the applicant has agreed to separate the buildings and the covered walkways will be eliminated.

Discussion followed concerning one-hour walls, sprinklered buildings and revising stipulation #14.

**The motion maker and second concurred to add to stipulation #14 that the walkway coverings may be eliminated if required by the Rapid City Fire Department.**

Discussion followed concerning the approval of the Tax Increment Financing District and the relationship between the number of dwelling units approved.

Stone stated that he does not have a problem with allowing the parking spaces in front of the garages to be counted and will not support the motion.

**The vote on the motion carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

**Fire Department Recommendations:**

1. **Prior to obtaining a building permit, the location of all on site fire hydrants shall be approved;**
2. **Prior to obtaining a building permit, water system plans and flow tests shall be approved;**
3. **All Uniform Fire Codes shall be continually met;**



4. All housing units located on the outside perimeter of the property, with the exception of Unit 11J, shall be fire sprinkled throughout;

**Building Inspection Division Recommendations:**

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The applicant shall obtain a Sign Permit for the permanent sign to be placed on the property;

**Engineering Department Recommendations:**

7. Prior to obtaining a building permit, a site plan showing grading, drainage, utilities, and road surfacing shall be submitted to the Engineering Division for approval;
8. Prior to obtaining a building permit, a site plan showing all interior sidewalks and sidewalks located adjacent to East Oakland Street shall be submitted for approval;
9. Prior to the issuance of a building permit for the Initial and Final Planned Residential Development, the site plan shall be revised to provide security lighting for the open space on proposed Lot B of Lot 2;

**South Dakota Department of Transportation Recommendations:**

10. The approach of East Oakland Street onto Cambell Street shall be constructed in accordance with the approved approach permits;

**Urban Planning Division Recommendations:**

11. Prior to obtaining a building permit, road names for the two interior roads must be approved by the Communication Center;
12. A special exception to allow 80 dwelling units in lieu of 40 dwelling units with one access point has been approved by the City Council at their July 21, 2003 Council meeting. Any future expansion of the project resulting in more than 80 dwelling units with one point of access shall require the granting of another Special Exception or a second access point;
13. A minimum 15 foot front yard setback adjacent to Building 5E shall be allowed;
14. All construction shall be in compliance with the elevations of the site plan as submitted; however, the walkway coverings may be eliminated if required by the Rapid City Fire Department;
15. The permanent sign shall be a maximum six feet wide and five feet in height as submitted on the site plans;
16. The buildings will be taupe, white or other neutral or natural color vinyl siding with weathered wood asphalt shingles as approved by the Planning Director; and
17. Prior to issuance of building permits, a revised site plan identifying fourteen additional off-street parking spaces shall be provided. (4 to 2 with Fast Wolf, Hoffmann, Mickelson and Schmidt voting yes and Stone and Wevik voting no)

22. **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.

Bob Borgmeyer, President, Selador Ranches, Inc., briefly discussed Red Rock Estates Phase IV and the proposed reservoir sites "E" and "F". Borgmeyer stated that Selador Ranches, Inc. plans to continue ranching on their two family-owned/operated ranches and added that they do not want their ranches annexed into the City limits. He further explained that his family would be willing to enter into an agreement with the applicant to exchange Lot 1 in Red Rocks Phase IV and the undevelopable land that is north and east of Phase IV for Site "E" within Selador Ranches for the water reservoir. He added that his family would also be willing to have five acres of Selador Ranches annexed into the City limits.

Fisher pointed out that Borgmeyer's discussions today are not related to Item #22 but rather he is referring to Stipulation #1 in Item #23 a Preliminary and Final Plat. She pointed out that any negotiations between the applicant and Selador Ranches, Inc. concerning the lot for the Highway 16 zone reservoir is not within the scope of the Planning Commission's review of the Preliminary and Final Plat.

Elkins encouraged Borgmeyer to visit with Engineering staff concerning the proposed reservoir sites and expressed appreciation for his continued efforts in working with the City to resolve the placement of the water tower.

**Hoffmann moved, Stone 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 topographic information shall be submitted for review and approval;**
- 2. Prior to Layout Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;**
- 3. 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;**
- 4. 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;**
- 5. 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 permanent turnaround at the northern terminus of Prestwick Road or the Master Plan shall be amended to show the**



- extension of Prestwick Road;
6. Upon submittal of the Preliminary Plat, road construction plans for Pro Street shall be submitted for review and approval. In particular, Pro Street shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot wide paved surface with curb, gutter sidewalk, street light conduit, water and sewer. In addition, the construction plans shall be revised to show the extension of Pro Street to the north lot line with a temporary turnaround at the northern most terminus or a Variance to the Subdivision Regulations shall be obtained;
  7. Upon submittal of the Preliminary Plat, road construction plans for Pro Court #2 shall be submitted for review and approval. In particular, Pro Court #2 shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac shall be constructed with a minimum 110 wide diameter right-of-way and a 92 foot wide diameter paved surface;
  8. Upon submittal of the Preliminary Plat, the plat document shall be revised to show a 40 foot X 40 foot shared approach to Lots 4 and 5 of Block 18;
  9. Prior to Preliminary Plat approval by the City Council, the section line highway located along the west 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 Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow Prestwick Road to be constructed as an 1,800 foot long cul-de-sac without intermediate turnarounds at 600 foot intervals or the plat document shall be revised to comply with the cul-de-sac requirements;
  11. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow Pro Court to be constructed as a 2,300 foot long cul-de-sac without intermediate turnarounds at 600 foot intervals or the plat document shall be revised to comply with the cul-de-sac requirements;
  12. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow 46 dwelling units in lieu of 40 dwelling units with one point of access or the plat document shall be revised to comply accordingly;
  13. 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 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;
15. The Uniform Fire Codes shall be continually met;

**Emergency Services Communication Center Recommendation:**

16. Prior to Final Plat approval, alternate road names for Pro Street and





**Pro Court #2 shall be submitted for review and approval. In addition, the plat document shall be revised to show the revised road names;**

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

- 17. Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate "Phase IV" from the title. In addition, Lots 1 and 2 of Block 12 shall be re-labeled;**

**Urban Planning Division Recommendations:**

- 18. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and,**
- 19. 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, Schmidt, Stone and Wevik voting yes and none voting no)**

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

**\*33. No. 03PD033 - Original Town of Rapid City**

A request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. to consider an application for a **Planned Unit Development - Initial and Final Development Plan** on Lots 11 thru 13, Block 116; and, Lot N less the south three feet, Block 116, all in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 429 Quincy Street.

Marino presented the request and reviewed the slides of the proposed site and staff's recommendation. Marino pointed out that the applicant has submitted a revised Business Plan stating that the number of employees and customers anticipated at any one time would be 6 employees, 6 customers and two customers in the waiting room. Marino stated that with this new information, staff has reduced the parking requirement down to 14 parking spaces. He added that the site plan only shows nine parking spaces at this time, two for the residential and seven for the proposed beauty salon. He explained that staff is recommending that the Planned Unit Development be continued to the August 7, 2003 Planning Commission meeting to allow the applicant time to submit a revised site plan showing 14 parking spaces for the proposed beauty salon or show a lease agreement securing the additional 14 parking spaces within the surrounding area of the proposed beauty salon.

Scott Hadcock, Hadcock Construction, Inc., reviewed two letters that he submitted on July 23, 2003 regarding a meeting that was held in February 2003 with the applicant's banker, real estate agent and two City staff members to discuss the parking requirements for the proposed beauty salon at 429 Quincy Street. Hadcock expressed his concerns that at that particular meeting he was advised that seven on-site parking spaces would be required based on the use of the property as a beauty salon. He expressed his frustration that he would never have purchased the property had he known that in late June when he applied for a building permit that he needed 25 parking spaces for a beauty salon. Hadcock



asked the Planning Commission to approve the Planned Unit Development with seven parking spaces.

Elkins stated that Hadcock has indicated that it was his understanding from the initial meeting that the off street parking would be based on five off street parking spaces per 1000 square feet. Elkins further explained that at that meeting there was no site plan presented. She added that the only site plan available was the plan that had been processed when the structure had been changed into a lawyer's office approximately 15 years ago. She explained that staff prepared rough calculations based off of that site plan. She further explained that the applicant now wants to utilize the second floor and pointed out that based on the addition of the second floor, 11 parking spaces would be required for the salon and two off street parking spaces for the residential use for a total of 13 parking spaces. Elkins commented that the Planning Commission could honor the original discussion as Hadcock perceived and understood it and require 13 off street parking in lieu of the staff's recommendation for 14 parking spaces. Elkins stated that requiring 13 off street parking spaces would be consistent with the applicant's understanding of the 5 parking spaces per 1000 square feet calculation.

Hoffmann expressed his concerns with the staff participating in the February, 2003 meeting and the resulting perceived commitment.

Stone asked if the applicant has attempted to reconfigure the parking lot to increase the number of parking spaces. Hadcock stated that Kent Kennedy has redesigned the parking lot several times to maximize the parking spaces.

Debbie Hadcock advised that she has not been able to secure additional parking from the Knights of Columbus or National American University. Hadcock advised that she has two beauty salons across the street from the proposed site and has received no complaints concerning parking. She advised that in her opinion she believes that seven parking spaces for the proposed site would be adequate.

In response to a question by Stone, Hadcock advised that there will be a 20 foot curb cut on the north side of Quincy Street. He added that there is not enough space on the 5<sup>th</sup> Street side to be able to drive in and out of a parking space.

In response to a question by Stone, Elkins advised that the Planning Commission could reduce the number of required parking spaces to nine within the Planned Unit Development.

Discussion followed concerning the Central Business District boundaries and parking requirements.

Elkins stated that staff has not received any calls concerning the Planned Unit Development.

In response to a question by Schmidt, Hadcock explained that he had indicated that he only planned to use the first floor of the building at the February, 2003 meeting.



Discussion followed concerning space limitations, the use of the upstairs level as a support area, the six booth rentals, the pedicure station, the massage station and the total number of employees.

In response to a question by Schmidt, Hadcock advised that she has owned the other two salons across the street for approximately four years and is familiar with the parking requirements and needs of the area.

Discussion followed concerning the applicant securing additional parking within 300 feet of the proposed beauty salon and the limited opportunities in the area.

**Schmidt moved and Hoffmann seconded to continue the Planned Unit Development – Initial and Final Development Plan to the August 7, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

Hadcock stated that in his opinion he did not think a continuance would be beneficial as he has already tried to secure additional parking in the surrounding area and requested that the Planning Commission approve the Planned Unit Development - Initial and Final Development Plan allowing seven parking spaces.

Discussion followed concerning revising the site plan and excluding use of the second floor.

Schmidt stated that he supports a continuance as it would allow him time to visit the site.

Stone stated that in his opinion seven parking spaces would be adequate and added that he does not believe that the applicant will be able to find additional parking in the area. He stated that he does not support the motion to continue.

Hoffmann stated that he supports a continuance and encouraged the applicant to try to work out the parking issues prior to the next Planning Commission meeting.

Discussion followed concerning other options available to the applicant to meet the parking requirements.

**The vote on the motion carried to continue the Planned Unit Development - Initial and Final Development Plan to the August 7, 2003 Planning Commission to allow the applicant time to submit additional information. (5 to 1 with Fast Wolf, Hoffmann, Mickelson, Schmidt and Wevik voting yes and Stone voting no)**

\*34. No. 03UR010 - Schnasse Subdivision

A request by Hermanson Egge Engineering, Inc. for Rob Tschetter to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District** on Lots 11 thru 15 and the west 11 feet of Lot 16, Block 9, Schnasse Subdivision, Section 31, T2N,



R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 406 East North Street.

Marino presented the request and reviewed the slides of the subject property. He further reviewed the similar uses in the area and staff's recommendation to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District. Marino explained that the applicant submitted a revised site plan on July 23, 2003 and staff has not had sufficient time to route the site plan for comments.

Michelle Baskin, Habitat for Humanity, stated that Habitat for Humanity is currently building a home for a family that will share the alley with the applicant. She explained that the family that will occupy this home has a handicapped child and will be utilizing the back alley access to the residence. She added that Habitat for Humanity has built several homes in the area and expressed concern with allowing another liquor establishment in the neighborhood. She further expressed concerns with increased traffic, speeders and alcohol violations in the area.

Pat Trumble, 410 E. Watertown, expressed concerns with the deteriorating condition of the neighborhood. She stated that both the Rapid City Weed and Seed Program and Habitat for Humanity has worked very hard to improve the neighborhood and stated that she strongly opposes allowing another on-sale liquor establishment along E. North Street.

Discussion followed concerning others businesses along E. North Street that sell alcohol.

Rob Tschetter, applicant, stated that he is not increasing the number of liquor establishments along E. North Street. He explained that he recently purchased a liquor license from TREA Northgate Bingo at 907 E. North Street.

In response to a question by Fast Wolf, Marino explained that the Police Department provided a printout of calls for service in the area. He added that this printout out is usually supplied with businesses wanting to casino license.

Ray Cornford, Administrative Lieutenant, Rapid City Police Department, stated that the Police Department wishes to remain neutral on the issue of saturation. He explained that the E. North Street area is a high impact area due to the number of motels, transients and on-sale liquor establishments along E. North Street. He added that the reports shows the number and types of calls for the area and noted that a majority of the calls for service originate from the motels.

**Schmidt moved and seconded by Hoffmann to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District.**

Greg Erlandson, attorney for the applicant, reviewed the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185. He added that in his opinion the applicant has met all four of the outlined criteria. He added that



the applicant's request is not increasing on-sale liquor establishments along E. North Street and explained that the applicant is replacing an existing use five blocks to the east where the TREA Northgate Bingo was located. He added that if there is an undue concentration of similar uses in the area, the applicant did not create nor has he added to the saturation problem. Erlandson further explained that the applicant's continued use of the on-sale liquor license will not cause blight, deterioration, or substantially diminish or impair property values and asked the Planning Commission to approve the applicant's request.

Discussion followed concerning the police report. Erlandson pointed out that there was not a single call for service for an on-site crime at the applicant's business. He further added that the applicant is a responsible businessman and is concerned and interested in making an investment in the area. He added that the applicant is committed to improving the surrounding area and supports the efforts by the Weed and Seed Program and Black Hills Habitat for Humanity's to uplift the neighborhood.

Trumble expressed concerns with the condition of the alley, placement of a privacy fence and weeds. She further stated that she is not opposed to a casino in the strip mall but is opposed to an on-sale liquor establishment.

**The vote on the motion carried to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District. (4 to 2 with Hoffmann, Mickelson, Schmidt and Wevik voting yes and Fast Wolf and Stone 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.***

35. Discussion Items

- A. Approval of the Capital Improvement Budget - Five Year Plan - Jim Preston

Preston presented the Capital Improvement Program Budget. He reviewed the Cash Flow Analysis and the Five Year Plans for Streets and Drainage, Parks and Recreation and Government Buildings.

Preston reviewed the composition of the Capital Improvement Program Committee and the Committee's functions. He further discussed sources of funds, uses of funds and the contingency fund.

**Stone moved and Hoffmann seconded to approve the Capital Improvement Budget - Five Year Plan.**

Mickelson expressed her frustration with the approval process for the Capital Improvement Program Budget and the Five Year Plans. She stated that in her opinion there is a considerable amount of information to review in the Five Year Plan and asked if there are any legal ramifications



with the Planning Commission approving this budget based on Preston's word.

Green stated that a prior City Attorney was of the opinion that the Capital Improvement Program Budget should be approved by the Planning Commission. Green stated that in his opinion the information before the Planning Commission is information on recommendations that are made by the Capital Improvements Program Committee to the City Council on how to spend funds. Green stated that the legal implication for the Planning Commission is that if they should chose to approve the Capital Improvement Program Budget - Five Year Plan, then it is nothing more than a recommendation to City Council.

Elkins explained that the Bylaws for the Capital Improvement Program Committee wanted to have coordination as these all projects that affect the future of Rapid City. She added that the Planning Commission's role in the approval process is to look at the future and to plan for the City as a whole. Elkins stated that as an example, the Five Year Plan for Streets and Drainage are what the Capital Improvement Program Committee deemed as priorities and the Planning Commission has a right to go through the list and review those priorities.

Discussion followed concerning a continuance of the Capital Improvement Program Budget to allow the Planning Commission additional time to review the Capital Improvement Program Budget.

**Hoffmann made a substitute motion, Schmidt seconded and unanimously carried to continue the discussion on the Capital Improvement Budget - Five Year Plan to the August 7, 2003 Planning Commission meeting. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

36. Staff Items

A. Ordinance Amendment - Administrative Review of Subdivision Plats

Elkins stated that on May 9, 2002 the Planning Commission recommended approval of an Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats. On June 3, 2002, the City Council denied the Ordinance Amendment. Elkins stated that in looking at the re-organization and ways to expedite the development review process, staff is recommending that the Planning Commission authorize staff to advertise for a public hearing to consider an Ordinance Amendment pertaining to the administrative approval of final plats.

**Schmidt moved and seconded by Stone to authorize staff to advertise for a public hearing to consider an Ordinance Amendment amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats.**





Discussion followed concerning the City Council's position and denial of the proposed Ordinance Amendment in June, 2002.

Elkins stated that in her opinion she believes that there has been a change in the City Council's position regarding administrative approval of Final Plats.

Hoffmann stated that in his opinion he believes that the Ordinance Amendment is a good idea.

**The vote on the motion carried unanimously to authorize staff to advertise for a public hearing to consider an Ordinance Amendment amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

37. Planning Commission Items  
A. Election of Officers

Wevik entertained nominations for Chairperson.

Mickelson nominated Hoffmann for Chairperson.

Hoffmann nominated Wevik. Wevik respectfully withdrew his name.

**Schmidt moved, Mickelson seconded and unanimously carried to cease nominations and cast a unanimous vote for Hoffmann as Planning Commission Chairperson. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

Wevik entertained nominations for Vice-Chairperson.

Hoffmann nominated Wevik. Wevik respectfully withdrew his name.

Fast Wolf nominated Mickelson. Mickelson respectfully withdrew her name.

Fast Wolf nominated Schmidt.

**Hoffmann moved, Mickelson seconded and unanimously carried to cease nominations and cast a unanimous vote for Schmidt as Planning Commission Vice-Chairperson. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

Wevik entertained nominations for Secretary.

Hoffmann nominated Stone.



**Schmidt moved, Fast Wolf seconded and unanimously carried to cease nominations and cast a unanimous vote for Stone as Planning Commission Secretary. (6 to 0 with Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)**

B. Interest in Serving on the Sign Code Board of Appeals

Elkins stated that this is an appointment made by the Mayor but in the past there has been a Planning Commission member on the Sign Code Board of Appeals to help coordinate comments and assist staff.

Discussion followed concerning the Sign Board of Appeals and committee reports.

Mickelson stated that she has been disappointed in Planning Commission members not providing committee reports at the end of the Planning Commission meetings. She also expressed her concerns on how the Planning Commission is being represented.

Wevik suggested a training session or discussion item that focuses on roles and expectations of committee members.

Hoffmann stated that when he attends the Infrastructure Development Partnership Fund Committee or the City Council meeting, he does not provide a report at the end of the Planning Commission meeting unless something extraordinary was discussed.

Discussion followed concerning linking the minutes to the various committees to the agenda.

Schmidt stated that he would be interested in serving on the Sign Code Board of Appeals.

Elkins advised that Schmidt's name would be forwarded to the Mayor's Office for consideration.

Stone and Fast Wolf left the meeting at this time.

**There being no further business Schmidt moved, Hoffmann seconded and unanimously carried to adjourn the meeting at 9:25 am. (4 to 0 with Hoffmann, Mickelson, Schmidt and Wevik voting yes and none voting no)**