



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 7, 2003

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

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

Chairperson Hoffmann called the meeting to order at 7:00 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.**

**Prairie Chicken requested that Item #2 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Prairie Chicken moved, Stone seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 11 in accordance with the staff recommendations with the exception of Item #2. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)**

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

1. Approval of the July 24, 2003 Planning Commission Meeting Minutes.
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 Preliminary and Final Plat be continued to the August 21, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.**
4. 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.

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

5. No. 03RD007 - Mount Rushmore Road North

A request by the City of Rapid City to consider an application for a **Resolution changing that portion of the road named Mount Rushmore Road North to**



**Mount Rushmore Road**, more generally described as extending between the intersections of Omaha Street and Mount Rushmore Road North and Allen Street and Mount Rushmore Road North.

**Planning Commission recommended that the Resolution changing that portion of the road named Mount Rushmore Road North to Mount Rushmore Road be approved.**

6. 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 21, 2003 Planning Commission meeting.**

7. No. 03SR028 - Rapid City Greenway Tract

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

**Planning Commission recommended that the 11-6-19 SDCL Review of a public use in a public place be continued to the August 21, 2003 Planning Commission meeting to allow the applicant time to submit additional information.**

8. No. 03SR038 - Original Town of Rapid City

A request by Lund Associates, Ltd. for Pennington County to consider an application for an **11-6-19 SDCL Review to allow for the construction of a security and screening fence on public property** on Lots 1 thru 32, Block 97; Lots 10 thru 15, Block 98 and the vacated alley adjacent to said lots; Lots 1 thru 9 and Lots 16 thru 32, Block 98, the vacated alley adjacent to said lots, and the vacated 3rd Street adjacent to Lots 16 and 17, Block 98; all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Pennington County Courthouse Complex.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow for the construction of a security and screening fence on public property be continued to the August 21, 2003 Planning Commission meeting at the applicant's request.**

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 approved.**

10. No. 03VE008 - Cambell Square Addition

A request by Elton Bierman to consider an application for a **Vacation of Note on Plat** on Lots A and B of Lot 1, Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1502 East Centre Street.

**Planning Commission recommended that the Vacation of Note on Plat be approved.**

11. No. 03VR008 - Boulevard Addition

A request by Jaaron Johnson to consider an application for a **Vacation of Right-of-Way** on a portion of the Fairview Street Right-of-Way adjoining Lot 12 in Block 31 and Lot 1 in Block 42 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 12th Street.

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

**Engineering Division Recommendations:**

1. Prior to City Council approval, the vacation document shall be revised to show the vacation of the south 19 feet and the north 19 feet of Fairview Street, retaining a 52 foot wide right-of-way in the middle of the street;
2. Prior to City Council approval, a drainage easement shall be recorded at the Register of Deed's Office for a portion of the north 19 feet of Fairview Street to be vacated as redlined on the vacation document; and,

**Urban Planning Division Recommendation:**

3. Prior to City Council approval, all of the affected utilities shall submit documentation concurring with the vacation request.

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

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.

Prairie Chicken commented that the Preliminary and Final Plat have been continued a number of times and asked if the applicant will be able to provide the additional information and revised plat document by the August 21, 2003 Planning Commission meeting.

Fisher stated that the drainage issues are quite detailed and the applicant has retained FMG, Inc. to complete the Drainage Plan. Fisher added that the applicant has been diligent in attempting to resolve the drainage issues and she believes that the applicant will be able to provide the additional information and revised plat document by the August 21, 2003 Planning Commission meeting.

**Wevik moved, Mickelson seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the August 21, 2003 Planning Commission meeting to allow the applicant to submit additional information and a revised plat document. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik 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.**

**Schmidt requested that Item 14 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Items 16 and 20 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 12 through 22 in accordance with the staff recommendations with the exception of Items 14, 16 and 20. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)**

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

12. No. 03CA017 - I-90 Heartland Business Park Subdivision  
**Comprehensive Plan Amendment - Summary of Adoption Action** 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 approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.**



13. No. 03OA004 - Application Fees for Zoning Variances

A request by the City of Rapid City to consider an application for a **Ordinance Amendment** amending Section 17.54.020 (A) of the City of Rapid City Zoning Ordinance to change the application fee from seventy-five dollars (\$75.00) to two hundred fifty dollars (\$250.00) for a zoning variance request.

**Planning Commission recommended that the Ordinance Amendment to change the application fee from seventy-five (\$75.00) to two hundred fifty dollars (\$250.00) for a zoning variance request be approved.**

\*15. No. 03PD035 - Original Town of Rapid City

A request by Tom Vucurevich for United Corporation to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the north 85 feet of Lots 15 and 16, Block 114, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 629 Quincy Street.

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

**Building Inspection Division Recommendation:**

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

**Urban Planning Division Recommendations:**

2. Any expansion of the use at the site beyond that identified on the approved site plan shall require a major amendment to the Planned Residential Development;
3. A zero foot setbacks from the north, the west, and the east property lines is hereby authorized for the existing structure, and the expansion identified on the approved site plan;
4. A maximum 71 percent lot coverage is hereby authorized for the existing structure and the expansion identified on the approved site plan;
5. A reduction in the required off-street parking from 30 spaces to 0 spaces is hereby authorized for the existing uses. Any change in use or expansion of use shall require approval of a Major Amendment to the Planned Commercial Development;
6. A reduction in the amount of landscaping points from 1250 to 500 is hereby authorized for the existing minimum structure and expansion identified on the approved site plan. Any change in use or expansion of use shall require a Major Amendment to the Planned Commercial Development.

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





17. No. 03RZ026 - Section 1, T1N, R7E

A request by Donald Ritchie to consider an application for a **Rezoning from Park Forest District to Medium Density Residential District** on Lot 7 of Tract 9, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Franklin Street and First Street.

**Planning Commission recommended that the Rezoning from Park Forest District to Medium Density Residential District be continued to the August 21, 2003 Planning Commission meeting to allow the applicant time to submit a corresponding Planned Development Designation.**

18. No. 03RZ027 - Flormann Subdivision

A request by Donald Ritchie to consider an application for a **Rezoning from Park Forest District to Medium Density Residential District** on Bellview Tract A of Flormann Addition, lying south of Signal Drive, City of Rapid City, Pennington County, South Dakota, Section 1, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 424 St. Cloud Street.

**Planning Commission recommended that the Rezoning from Park Forest District to Medium Density Residential District be continued to the August 21, 2003 Planning Commission meeting to allow the applicant time to submit a corresponding Planned Development Designation.**

19. 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 21, 2003 Planning Commission meeting to allow the applicant to provide additional information.**

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

\*22. No. 03UR011 - Chapel Valley Subdivision

A request by Arthur & Teresa Kenney to consider an application for a **Major Amendment to a Conditional Use Permit to change a stipulation of approval** on Lot 3R, Block 5, Chapel Valley Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3311 Powderhorn Drive.

**Planning Commission approved the Major Amendment to a Conditional Use Permit to change a stipulation of approval with the following stipulations:**

**Urban Planning Division Recommendations:**

1. **Prior to the issuance of a building permit to expand the plumbing in the detached structure, the applicant shall submit information regarding the installation of equipment to prevent petroleum products and other such hazardous wastes from being deposited into the municipal sewer system; and**
2. **The existing detached structure shall not be used as a second dwelling unit at any time; and,**





**3. That drainage shall be maintained along lot lines at all times.**

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

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

**\*14. 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.

Schmidt asked why the applicant was requesting to reduce the section line setback.

Doug Sperlich, Renner and Sperlich Engineering Co., explained that the site slopes dramatically from the west to east. He added that the applicant is asking to reduce the section line setback from 58 to 48 feet as it would be more conducive to building a house the further west that the applicant could be on the site. He added that the applicant has attempted to minimize the exception requested. He further explained that the site plan is sort of a flag pole lot and there are no other houses in the area other than the house located directly across the street that was built on the section line less than a year ago.

Sperlich advised that the applicant objects to Stipulation #3. Sperlich expressed his frustration with the 11-6-19 SDCL Review process and added that the staff and Planning Commission already has the requested additional information regarding the driveway. He explained that this is prime construction season and interest rates are starting to inch back up and added that in his opinion he felt it would be ridiculous to require the applicant to submit an 11-6-19 SDCL Review of the driveway and hold up construction for two or four weeks. He asked the Planning Commission to approve the construction of the driveway as per City standards and not require the applicant to submit an 11-6-19 SDCL Review of the driveway.

Matt Werner, Manager for Werner Construction, expressed his concern with Stipulation #3. He expressed frustration with not being made aware three weeks ago that a separate application would be necessary for the driveway and would like to have had the Major Amendment to a Planned Residential Development and the 11-6-19 SDCL Review considered concurrently.

Elkins explained the 11-6-19 SDCL Review process. She also reviewed a recent court decision in which staff is operating under. She added that this issue is still before the review of the Supreme Court and until that Supreme



Court decision is finalized and staff will continue to act under the direction of the Judge's order directing staff to proceed and conduct 11-6-19 SDCL Reviews. Elkins added that based on her conversations with staff and the Engineering Division, the applicant has not submitted the standard information for construction of a street in the section line highway.

Elkins explained that there is no fee associated with an 11-6-19 SDCL Review and added that if the applicant submitted the application within the next couple of days, staff would process the application as a late submittal and it would be on the August 21, 2003 Planning Commission agenda.

Nelson commented that the Engineering Division has not received the necessary information from the applicant regarding the street construction in the section line highway.

Elkins pointed out that the applicant is requesting to build a driveway rather than a typical street section in the section line highway.

Sperlich again expressed his frustration with Stipulation #3. He stated that the applicant and staff has known for six weeks that the applicant was proposing to build a driveway and not a street in the section line highway. He stated that in his opinion, staff should have advised the applicant at that time that he needed to apply for a variance to change the construction from a street to driveway or allow him to apply for a building permit to build a driveway.

In response to a question by Brannan, Sperlich stated he is frustrated with the lack of communication between the applicant, himself and staff regarding the separate review of the driveway. He added that the request has always been for a driveway. He added that there was a Planned Residential Development approved approximately 10 years ago and that site plan shows a driveway not a street being constructed in the section line highway. Sperlich commented that the Planning Commission has the driveway grading plan before them and stated that in his opinion he does not see the a point in submitting another application to review the same plans for the driveway.

Discussion followed concerning submitting cross sections for the driveway.

Elkins explained that a section line highway is similar to dedicated right-of-way; it is a public street and is required to be built to City street standards. She added that in other similar situations, an applicant has been allowed to construct a driveway in the section line highway during the interim with a waiver of right to protest should the area need to be reconstructed to City street standards in the future.

Schmidt stated that in his opinion the Planning Commission should follow the Judge's direction and the statute mandate. He added that he supports staff's recommendation and is confident that staff is doing their best. He further encouraged the applicant to continue to work with staff to resolve the remaining issues.



Sperlich expressed concerns with a two week or four week delay.

Green provided a summation of the law. He advised that it is the Planning Commission's responsibility to review the location and extent of any work in the public right-of-way. He advised that staff has indicated that they do not have enough information to review the extent of construction proposed within the public right-of-way. He further added that when there is new construction in the public right-of-way, an 11-6-19 SDCL Review is required. He stated that in his opinion this an 11-6-19 SDCL Review is absolutely required in this situation and the information that the applicant has submitted is not sufficient for staff to make a review at this time.

In response to a question by Stone, Sperlich stated that he did not submit a cross section of the driveway as cross sections have never been required for a driveway. He advised that he did submit a grading plan approximately three weeks ago which shows the extent of the driveway, grading and turnaround.

Werner reiterated his objections to stipulation #3. He stated that in his opinion he has submitted all of the required information and asked the Planning Commission to approve the driveway. He further expressed his frustration and questioned staff's intentions.

Elkins stated that staff's intent is not to slow the process down and added that it is unfortunate that the applicant feels that way. She apologized on Marino's behalf if he did not understand or missed an issue. She explained that staff would take a late submittal for an 11-6-19 SDCL Review of the driveway, which would be placed on the agenda for the August 21, 2003 Planning Commission meeting. She added that the applicant could still take advantage of the construction season and obtain a permit for the footings and foundation for the construction of the house. She also encouraged the applicant to contact the Engineering Division and submit the cross sections of the driveway.

Schmidt stated that he appreciates the applicant's comments but added that he also respects Green's opinion and supports staff's recommendation.

**Schmidt called the question. The vote on calling the question failed. (4 to 4 with Fast Wolf, Mickelson, Prairie Chicken and Schmidt voting yes and Brannan, Hoffmann, Stone and Wevik voting no)**

Wevik stated that he is disappointed if there was a communication breakdown between staff and the applicant and understands the applicant's frustration with the process. He stated that in his opinion the responsibility of the Planning Commission is to review the criteria and staff's recommendation. He stated that without a staff recommendation, he does not feel comfortable recommending approval of the driveway without the 11-6-19 SDCL Review application. He stated that he would however support staff's recommendation to approve the Amendment to a Planned Residential Development to reduce a section line setback from 58 feet to 48 feet with stipulations. He encouraged the applicant to submit the additional information requested and allow staff to expedite the 11-6-19 SDCL Review for the driveway.



Elkins offered the Planning Commission another option that might provide the applicant with some flexibility. She suggested that Stipulation #3 be revised to read that: Prior to construction of the proposed driveway in the section line highway the applicant shall obtain an 11-6-19 SDCL review for the proposed driveway in the section line highway.

Sperlich stated that the applicant would agree to the revised stipulation #3 in order to begin construction of the house and to lock in a good construction loan rate. He added that he appreciates the Planning Commission's consideration and for listening to the applicant's concerns.

**Stone moved, Wevik seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development to reduce a section line setback from 58 feet to 48 feet with the following stipulations:**

**Urban Planning Division Recommendations:**

1. The building shall be constructed as shown on the site plan with 48 foot setbacks from the section line highway for the house and 51 foot setbacks from the section line highway for any area in front of the garage doors;
2. The minimum required side yard setbacks shall be reduced to 11.3 feet in accordance with the approved site plan; however, any expansion of the structure shall be in compliance with the underlying zoning district provisions unless a major amendment to the Planned Residential Development is approved;
3. Prior to the construction of the proposed driveway in the section line highway the applicant shall obtain an 11-6-19 SDCL Review for the proposed driveway in the section line highway;
4. Lots 17R and 18 shall be used for single family residential dwelling units only; and,
5. Addresses for the structures located on Lots 17R and 18 shall be posted adjacent to Fox Run Drive at the time Building Permits are issued. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)

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

16. **No. 03RZ025 - Section 1, T1N, R7E**

A request by Donald Ritchie to consider an application for a **Rezoning from Park Forest District to Medium Density Residential District** on Lots 1 thru 3 of Tract 9, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Franklin Street and First Street.



In response to a question by Prairie Chicken, Elkins advised that all of the comments that staff has received from area residents have been distributed on the dais.

**Prairie Chicken moved, Stone seconded and unanimously carried to recommend that the Rezoning from Park Forest District to Medium Density Residential District be continued to the August 21, 2003 Planning Commission meeting to allow the applicant time to submit a corresponding Planned Development Designation. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)**

20. 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.

In response to a question by Prairie Chicken, Elkins explained that a portion of the balance of the Tax Increment Financing District #42 is in the boundary of a previously approved County Tax Increment Financing District. She further explained that staff has some significant questions regarding revenues, the tax increment district's ability to support the improvements that the Tax Increment Financing Committee had originally identified and the payback schedule. Elkins added that the continuance will allow the Tax Increment Financing Committee to meet again and review the additional information.

**Prairie Chicken moved, Stone seconded and unanimously carried to continue the Tax Increment District No. 42 - Project Plan to the August 21, 2003 Planning Commission meeting to allow the applicant to provide additional information. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)**

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

**\*23. No. 02PD059 - Cleary Subdivision**

A request by Tom Cleary for the Cleary Site (formerly known as the Black Hills Equestrian Center) to consider an application for a **Planned Unit Development - Final Development Plan** 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 presented the request for a Planned Unit Development - Final Development Plan. She stated that this item was continued from the July 24, 2003 Planning Commission to allow the applicant time to construct a curb stop along that portion of the parking lot abutting Wellington Drive and plant additional landscaping. Fisher stated that she visited the site on July 6, 2003 and the applicant has completed these tasks. Fisher added that she received comments from area residents regarding high weeds around a transformer and in the utility easement and the outdoor storage of sawhorses and pellets on the property. Fisher stated that staff is recommending that the Planned Unit Development - Final Development Plan be continued to the August 21, 2003 Planning Commission meeting to allow the applicant to mow the property correctly and to remove the outdoor storage of materials.

**Schmidt moved, Wevik seconded and unanimously carried to continue the Planned Unit Development - Final Development Plan to the August 21, 2003 Planning Commission meeting. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)**

Fisher requested that Items 24 and 25 be considered concurrently.

**\*24. 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.

Fisher presented the request and reviewed staff's recommendation. She advised that she visited the site on July 6, 2003 and noted that all but a very small section of the Equestrian Center has been removed from the site. Fisher explained that the applicant and adjacent neighbors have worked together to develop an acceptable combination of uses for the area.

Discussion followed concerning the revised traffic study for the impacts and or improvements that would be necessary for Catron Boulevard, geotechnical information specific to the pavement design for the cul-de-sac and the Special Exception granted to allow a driveway width to exceed 50% of the lot width along Wellington Courts on Lots 16A thru 28B.

**Schmidt moved, Prairie Chicken seconded and unanimously carried to approve the Planned Unit Development - Initial and Final Development Plan with the following stipulations:**

**Engineering Division Recommendations:**

1. A Preliminary and Final Plat shall be reviewed and approved to create individual residential lots prior to or in conjunction with approval of a Final Planned Unit Development;

**Fire Department Recommendations:**

2. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
3. Prior to issuance of a building permit, all weather access road(s) shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;

**Air Quality Division Recommendations:**

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

**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;

**Urban Planning Division Recommendations:**

6. Prior to Planning Commission approval of the Initial and Final Planned Unit Development, a sign package shall be submitted for review and approval. In particular, the sign package shall demonstrate that the proposed signs do not encroach into the site triangle;
7. Prior to Planning Commission approval, the covenants shall be revised to provide maintenance by the Homeowners Association of the private drainage easement located along the common rear lot lines;
8. All mail boxes and other architectural features shall be located



- outside of the sidewalk area;
9. Lot 29 shall be used exclusively for off-street parking. In addition, the bulb of the cul-de-sac shall be posted with "No Parking" signs;
  10. The use of Lots 1 thru 15 shall be limited to a single family residence on each lot. In addition, use of Lots 16A thru 28B shall be townhomes. Accessory structures for each residence shall also be allowed on each lot;
  11. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Unit Development or a subsequent Major Amendment.
  12. The proposed residential development shall conform architecturally to the plans and elevations submitted as part of this Planned Unit Development;
  13. The Planned Unit Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)

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

25. No. 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.

**Mickelson moved and Stone seconded to recommend that the Preliminary and Final Plat be approved with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
2. Prior to City Council approval of the Preliminary Plat, a revised pavement design including geotechnical information shall be submitted for review and approval;
3. Prior to City Council approval of the Preliminary Plat, a revised traffic study shall be submitted for review and approval. In particular, current traffic data from the City's traffic counts shall be



used to determine the base conditions. In addition, the traffic study shall include a minimum ten year projection and shall include traffic projections from the future Fifth Street connection and the southeast connector roadway. The revised traffic study shall also include an estimate of when left turn warrants will be met using current South Dakota Department of Transportation projections for a roadway rebuild and South Dakota Department of Transportation left turn volume threshold and speed criterion. The construction plans shall be revised addressing any required improvements along Catron Boulevard and Wellington Drive if the revised traffic study shows that the improvements are warranted at this time;

4. Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval;
5. A Special Exception is hereby granted to allow curb side sidewalks with the stipulation that no mailboxes or other architectural features be placed in the sidewalks;
6. A Special Exception is hereby granted to allow a driveway width to exceed 50% of the lot width along Wellington Court on Lots 16A thru 28B;

**Fire Department Recommendation:**

7. Prior to City Council approval of the Preliminary Plat, the construction plans shall be revised to provide one additional fire hydrant at the entrance to Wellington Court;

**Urban Planning Division Recommendations:**

8. Prior to Final Plat approval by the City Council, the Initial and Final Planned Unit Development shall be approved; and,
9. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)

Wevik stated that he appreciated all of the work between staff, the applicant and adjacent property owners in coming up with a workable solution. He stated that this solution protects the integrity of the neighborhood from the adjacent property owners perspective and also gives the developer an opportunity to maximize the value of the property.

Mickelson concurred with Wevik but expressed her concern with the Planning Commission continuing the previous request for the Cleary Site and approving this request. She stated that in her opinion the reasons for continuing the earlier matter bordered on ridiculous. She stated that she also visited the site and in her opinion the applicant has complied with all of the stipulations of approval.

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

**Engineering Division Recommendations:**



1. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
2. Prior to City Council approval of the Preliminary Plat, a revised pavement design including geotechnical information shall be submitted for review and approval;
3. Prior to City Council approval of the Preliminary Plat, a revised traffic study shall be submitted for review and approval. In particular, current traffic data from the City's traffic counts shall be used to determine the base conditions. In addition, the traffic study shall include a minimum ten year projection and shall include traffic projections from the future Fifth Street connection and the southeast connector roadway. The revised traffic study shall also include an estimate of when left turn warrants will be met using current South Dakota Department of Transportation projections for a roadway rebuild and South Dakota Department of Transportation left turn volume threshold and speed criterion. The construction plans shall be revised addressing any required improvements along Catron Boulevard and Wellington Drive if the revised traffic study shows that the improvements are warranted at this time;
4. Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval;
5. A Special Exception is hereby granted to allow curb side sidewalks with the stipulation that no mailboxes or other architectural features be placed in the sidewalks;
6. A Special Exception is hereby granted to allow a driveway width to exceed 50% of the lot width along Wellington Court on Lots 16A thru 28B;

**Fire Department Recommendation:**

7. Prior to City Council approval of the Preliminary Plat, the construction plans shall be revised to provide one additional fire hydrant at the entrance to Wellington Court;

**Urban Planning Division Recommendations:**

8. Prior to Final Plat approval by the City Council, the Initial and Final Planned Unit Development shall be approved; and,
9. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)

**\*26. 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.

Elkins presented the request and staff's recommendation. She reviewed the parking issues and noted stipulation #5.

In response to a question by Scott Hadcock, Elkins advised that there is a seven day appeal period and a building permit cannot be issued until the appeal period has passed.

In response to a question by Hoffmann, Elkins advised that the ordinance allows an exception for the construction of footings and foundation only.

**Schmidt moved, Mickelson seconded and unanimously carried to approve the Planned Unit Development - Initial and Final Development Plan with the following stipulations:**

**Engineering Division Recommendations:**

1. Prior to the issuance of a building permit the applicant shall submit additional information regarding the topography, grading, drainage plans, etc.;
2. Prior to the issuance of a building permit the applicant shall submit additional information showing all storm water being collected on site;
3. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing six inch curbs or wheel stops located in the parking lot;

**Urban Planning Division Recommendations:**

4. Prior to Planning Commission approval, the applicant shall submit additional information showing compliance with 14 parking spaces for the proposed use;
5. Prior to Planning Commission approval, the applicant shall submit a lease agreement stating that seven parking stalls shall be available for their use at all times. If at any time less than 14 parking spaces are available for the use of the beauty salon, the site shall be considered not in compliance with the City of Rapid City Municipal Code, and the use shall be reduced to be in compliance with the available parking;
6. Any change to the submitted business plan, including additional employees to staff the pedicure chairs, massage tables, or additional expansion of uses shall require a Major Amendment to the Planned Unit Development;
7. Prior to Planning Commission approval, the applicant shall submit additional information regarding a business plan for all three floors of the facility including but not limited to the number of employees, hours of operation, types of uses, locations of uses, etc. In addition, the applicant shall submit a floor plan for the upper story and the basement identifying square footages for the anticipated uses;
8. Prior to Planning Commission approval, the applicant shall submit signage information showing compliance with all applicable sign codes at the site;
9. Prior to Planning Commission approval, the applicant shall submit



- outdoor lighting information verifying there shall be no negative impacts on surrounding land uses;
10. This Planned Unit Development grants approval that the front yard setback shall be reduced to 21 feet, the rear yard setback shall be reduced to six feet and the side yard setback shall be reduced to nine feet;
  11. Lot N less the south three feet shall be used as a beauty and health salon and Lots 11 thru 16 shall be used as Single Family Residential with accessory structures for residential use. Any other use of the properties shall require a Major Amendment to the Planned Unit Development; and,
  12. The Planned Unit Development shall be initiated within two years of the date of approval or it shall expire in accordance with the City of Rapid City Municipal Codes. (8 to 0 with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone, Brennan and Wevik voting yes and none voting no)

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

27. No. 03SR037 - Section 8, T1S, R7E

A request by Hadcock Construction, Inc. to consider an application for an **11-6-19 SDCL Review to construct a street in public right-of-way** on the section line highway located along the west side of the W1/2 SW1/4 NW1/4, Section 8, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile north of Highway 16 on Wilderness Canyon Road.

Fisher presented the request and reviewed staff's recommendation. Fisher also reviewed the location of the property, design standards and the signed waiver of right to protest any future assessments for the improvements.

Scott Hadcock, Hadcock Construction, complimented staff and added that staff was very helpful and provided him with all the necessary information upon submittal of his application for an 11-6-19 SDCL Review process.

**Schmidt moved, Wevik seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to construct a street in public right-of-way be approved with the following stipulations:**

**Fire Department Recommendations:**

1. The driveway shall be constructed as a minimum 24 foot wide graveled roadway and maintained in a dust free manner at all times;
2. The driveway grade shall not exceed sixteen percent as per the Street Design Criteria Manual;
3. A hammerhead turnaround to accommodate fire apparatus shall be constructed at the end of the driveway;

**Pennington County Highway Department Recommendation:**

4. Prior to the start of construction, the section line highway shall be





**opened by the Pennington County Board of Commissioners;**

- 5. Prior to the start of construction, a construction permit shall be obtained from the Pennington County Planning Department;**
- 6. Prior to the start of construction, an approach permit shall be obtained from the Pennington County Highway Department;**
- 7. Prior to issuance of a building permit, a road name shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a street sign shall be posted for the proposed street at the applicant's expense;**

**Urban Planning Division Recommendations:**

- 8. Prior to Planning Commission approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and paving for that portion of the driveway located within public right-of-way or section line highway; and,**
- 9. The first fifty feet of the driveway as it extends north from Wilderness Canyon Road shall be paved. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)**

**28. Discussion Items**

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

Mickelson suggested that the Planning Commission members on the Capital Improvement Program Committee provide the Planning Commission with an update on their concerns or issues regarding the Capital Improvement Budget throughout the year.

Preston briefly reviewed the Capital Improvement Budget - Five Year Plan.

Schmidt stated that he would be abstaining on this motion.

In response to a question by Prairie Chicken, Nelson explained that the Lemmon Street Avenue project from College to North Street was originally scheduled for 2003 but during preliminary design it was determined that the cost estimate was too low in the original budget. He added that as a result the project had to be split into two phases and rescheduled. He added that the first phase will be in 2004 and the second phase will be in 2006. The bulk of the work is related to drainage and is scheduled for 2004. He explained that there will be street resurfacing and some water and sewer reconstruction in this corridor.

In response to a question by Mickelson, Preston stated that any changes that the Capital Improvement Program Committee makes to the Five Year Plan or budget does not go before the Planning Commission for review or recommendation. He further added that the City Council does review any changes to the Five Year Plan or the budget.

**Mickelson moved, Prairie Chicken seconded and carried to recommend approval of the Capital Improvement Budget - Five Year Plan. (7 to 0**



**with Fast Wolf, Hoffmann, Mickelson, Prairie Chicken, tone, Brennan and Wevik voting yes, none voting no and Schmidt abstaining)**

29. Staff Items

None

30. Planning Commission Items

A. Interest in Serving on the Development Appeals and Review Board

Discussion followed concerning the Development Appeals and Review Board. Elkins advised that Mayor appoints a member of the Planning Commission to the Development Appeals and Review Board.

Wevik volunteered to serve on this board.

B. Appointments to the Future Land Use Committee

Elkins stated that two members of the Planning Commission are appointed by the Planning Commission to the Future Land Use Committee. She added that the Future Land Use Committee meets anywhere from two to four times a month for one hour at 8:00 am. on Thursday or Friday depending on if there is Planning Commission meeting.

**Schmidt moved, Wevik seconded and unanimously carried to appoint Brannan and Prairie Chicken to the Future Land Use Committee. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)**

31. Committee Reports

A. City Council Report

Discussion followed concerning the City Council approving a Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access.

In response to a question by Schmidt, Elkins stated that the City Council discussed the access to the north of the subject property. She added that the City Council felt confident that with the completion of the Park Meadows area that there would be a north connection to the subject property. Elkins advised that the City Council also felt that there would be a limited timeframe in which there would be only the one access from Cambell Street.

Discussion followed concerning the 40 dwelling unit rule.

**There being no further business Stone moved, Schmidt seconded and unanimously carried to adjourn the meeting at 8:12 am. (8 to 0 with Ida Fast Wolf, Jeff Hoffmann, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Sam Brennan and Stuart Wevik voting yes and none voting no)**