

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 21 2003

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

STAFF PRESENT: Vicki Fisher, Karen Bulman, Jeff Marino, 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 presented Stuart Wevik a plaque in appreciation of his leadership and hard work as Chairperson of the Planning Commission from 2001 to 2003.

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

Staff requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration. Schmidt requested that Item #14 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, Stone seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 16 in accordance with the staff recommendations with the exception of Items 6 and 14. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 7, 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 September 4, 2003 Planning Commission meeting to allow the applicant to submit additional information and a revised plat document.
3. 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,

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Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

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

4. No. 02PL093 - Murphy Ranch Estates

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

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the September 4, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.

5. No. 03PL045 - Marshall Heights Tract

A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz to consider an application for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 North Maple Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the September 25, 2003 Planning Commission meeting at the applicant's request.

7. No. 03PL078 - Robbinsdale Addition #10

A request by Centerline for 3 T's Land Development LLC to consider an application for a **Final Plat** on Lots 9A and 9B in Block 28, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9 in Block 28, Robbinsdale Addition No. 10 and an unplatted portion of Tract C in Minnesota Ridge Subdivision, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of 5th Street and Minnesota Street.

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

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Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, construction plans showing a sidewalk along Alta Vista Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Final Plat approval by the City Council, a cost estimate for the sidewalk shall be submitted for review and approval; and,

Urban Planning Division Recommendations:

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

8. **No. 03PL079 - Washburn Lot**

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

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

Transportation Planning Division Recommendations:

1. Prior to Final Plat approval by the City Council, a revised plat document shall be submitted showing shared access easement not exceeding 40 feet by 40 feet with a portion of the shared access easement located on proposed Lot 2R; and,
2. Prior to Final Plat approval by the City Council, a revised plat document is submitted showing an access restriction running the length of the northern lot line of proposed Lot 2R where it abuts West Main Street.

9. **No. 03PL080 - Geld Subdivision**

A request by FMG, Inc. and John Nooney for GELD, LLC and Williston Basin Interstate Pipeline Company to consider an application for a **Layout, Preliminary and Final Plat** on Lots 1 through 3 of Block 1 of Geld Subdivision, located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Parcel 5 of NE1/4 NW1/4 of Section 25, T2N, R7E, and a portion of Parcel 8 of N1/2 NW1/4 of Section 25, T2N, R7E, and Lot 2 of Block 1 of Tires Plus Addition, and a portion of the unplatted balance of NE1/4 NW1/4 of Section 25, T2N, R7E, all located in NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of I-90.

Planning Commission recommended that the Layout, Preliminary and Final

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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 Pahasapa Road located along the north lot line of the subject property. If the right-of-way width does not comply with the standards for on-street parking than "No Parking" signs shall be posted. In addition, road construction plans showing a sidewalk along Pahasapa Drive shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, 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;
3. Prior to Preliminary Plat approval by the City Council, the Disk Drive construction plans shall be modified to reflect the proposed culvert location as shown on the drainage plan;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a ten foot wide utility easement along Disk Drive and Pahasapa Road;
5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the access easement located in the southeast corner of proposed Lot 1 as a "Shared Approach" or road construction plans for the access easement built in accordance with City standards shall be submitted for review and approval;
6. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Haines Avenue. In addition, the plat document shall be revised to show a non-access easement long Pahasapa Road as per the Street Design Criteria Manual;
7. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a Major Drainage Easement on the southwest corner of Lot 2 and the north and east lot lines of Lot 2;
8. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for any improvements not covered by the Infrastructure Development Partnership Fund and the Disk Drive Agreement; and,

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, surety shall be posted and inspection fees paid for any improvements not covered by the Infrastructure Development Partnership Fund and the Disk Drive Agreement.
10. No. 03PL083 - Stoney Creek Subdivision Phase 1
A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 1A and Lot 1B, Block 5 of Stoney Creek Subdivision Phase 1, located in the SW1/2 NW1/4 and the NW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 5 of Stoney Creek Subdivision Phase 1, located

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in the SW1/2 NW1/4 and the NW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Bendt Drive and Catron Boulevard.

Planning Commission recommended 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, a cost estimate and surety shall be posted for improvements along Bendt Drive and Winterset Drive that have not been completed;
2. Prior to City Council approval of the Final Plat, the plat document shall be revised to incorporate Outlot A into Lot 1A and a drainage easement shall be identified in the northeast corner of Lot 1A; and,

Register of Deed's Office Recommendation:

3. Prior to City Council approval of the Final Plat, the plat document shall be revised to eliminate one of the "Director of Equalization" certificates.

11. **No. 03SR024 - Owen Mann Subdivision**

A request by the South Dakota Department of Environment and Natural Resources for Black Hills Federal Credit Union to consider an application for an **11-6-19 SDCL Review of a public utility in a public place** on Lot B of Lot 2 of Tract A, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 118 Kinney Avenue.

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

Building Inspection Division Recommendations:

1. Prior to the initiation of use at the site, a building permit shall be obtained for the proposed air monitoring unit;
2. Prior to the initiation of use an electrical permit shall be obtained for the proposed air monitoring unit;

Urban Planning Division Recommendations:

3. Two parking spaces shall be maintained for the site at all times with one parking space being van handicap accessible;
4. Any noise associated with the proposed development shall be minimized to reduce any negative impacts on the surrounding land uses;
5. Any lighting associated with the development shall be constructed in a way so as to minimize the impacts on the surrounding land uses; and,
6. No signage shall be constructed at the site associated with the air monitoring unit.

12. **No. 03SR028 - Rapid City Greenway Tract**

A request by the City of Rapid City to consider an application for an **11-6-19**

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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 September 25, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

13. No. 03SR032 - Owen Hibbard Subdivision

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

Planning Commission recommended that the 11-6-19 SDCL Review of a public utility in a public place be denied without prejudice at the applicant's request.

15. No. 03SR039 - Fox Run Subdivision

A request by Renner and Sperlich Engineering Co. for Werner Construction LLC to consider an application for an **11-6-19 SDCL Review to allow construction of a street in public right-of-way** 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 recommended that the 11-6-19 SDCL Review to allow construction of a street in a public right-of-way be approved with the following stipulations:

Fire Department Recommendations:

1. The driveway shall have an unobstructed vertical clearance of not less than 13 feet 6 inches;
2. All portions of the driveway shall be constructed with an all weather surface;

Urban Planning Division Recommendations:

3. The driveway shall be constructed as a minimum 20 foot wide roadway and maintained in a dust free manner at all times; and,
4. 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.

16. No. 03VE009 - Northern Heights

A request by Donald Douma for Atonement Lutheran Church to consider an

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application for a **Vacation of Access Easement** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 522 Anamosa Street.

Planning Commission recommended that the Vacation of a 30 foot wide Access Easement along the north property boundary be approved.

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

6. No. 03PL077 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Final Plat** on Lots 31 thru 40, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and 5th Street.

Fisher stated that staff and the applicant have agreed to revise stipulation 1 and 2 to read "Prior to Final Plat approval by the City Council..."

Schmidt moved, second by Stone and unanimously carried to recommend that the Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, 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 Final Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
3. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 20 foot wide major drainage easement along the north lot line of Lots 31-35;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a ten foot wide major utility easement along the west lot line of Lot 36. In addition, the following note shall be placed on the plat: "Any major utility or drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient to facilitate operation of the improvements"; and,

Urban Planning Division Recommendations:

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.

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(8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

14. 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.

Schmidt stated that he requested that this item be removed from the Non-Hearing Consent agenda so that he may abstain from voting.

Wevik moved, second by Stone and carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a security and screening fence on public property be approved with the following stipulations:

Urban Planning Division Recommendations:

1. **Prior to Planning Commission approval, a Fence Height Exception shall be obtained;**
2. **Prior to Planning Commission approval, a revised site plan shall be submitted identifying the relocation of the security fence flush with the front of the new jail. In addition, the site plan shall show the relocation of the intercom kiosk from the public right-of-way onto the subject property along the front of the new jail. Elevations shall also be submitted identifying the security fence as a twelve foot high chain link fence with angled chain link extended from the top of the fence to the new jail building. No barbed wire shall be allowed along the top of the fence or otherwise permitted;**
3. **A 9.5 foot high security fence shall be allowed along the west side of the new jail in compliance with the elevations and location as shown on the site plan; and,**
4. **A Special Exception is hereby granted to allow backing into the right-of-way for the bus used to transport inmates to and from the site.**
(7 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Stone and Wevik voting yes, none voting no and Schmidt abstaining)

---HEARING ITEMS CONSENT CALENDAR---

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

Staff requested that Items 19 thru 23 be removed from the Hearing Consent Agenda for separate consideration.

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Brannan moved, second by Schmidt 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 19 thru 23. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

17. No. 03OA006 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance** to authorize administrative approval of certain plats by adding Section 16.08.035 to the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment be continued to the September 4, 2003 Planning Commission meeting.

*18. No. 03PD039 - Original Town of Rapid City

A request by Wyss Associates, Inc. for Stockmen's Financial Corporation to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 thru 11, Block 115, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 805 5th Street.

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

Urban Planning Division Recommendation:

1. **The fence shall be constructed in accordance with the architectural design plans and elevations as submitted.**

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.

24. No. 03SV028 - Big Sky Subdivision

A request by Dream Design International for Doyle Estes (DTH LLC) to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Buddy Court off of Degeest Drive.

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Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water main and street light conduit 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 these improvements; and,
2. Prior to City Council approval, the construction plans shall be revised to show a paved turnaround at the western terminus of Homestead Street.

25. **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

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Increment District No. 42 be continued to the September 4, 2003 Planning Commission meeting.

26. 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 September 4, 2003 Planning Commission meeting.

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

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

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Planning Commission continued the Revocation of a Use on Review to allow a Communication Tower in the Public Zoning District to the September 25, 2003 Planning Commission meeting at the applicant's request.

*28. 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 September 25, 2003 Planning Commission meeting at the applicant's request.

29. No. 03VR009 - Schnasse Addition

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 225 East Watertown Street.

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

---END OF HEARING CONSENT CALENDAR---

*19. No. 03PD040 - Skyview North Subdivision

A request by Scott Craig to consider an application for a **Major Amendment to a Planned Residential Development to alter an approved building envelope** on Lot 6, Block 1, Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2237 Minnewasta Road.

Fisher stated that the applicant has requested that the Major Amendment to a Planned Residential Development to alter an approved building envelope be continued to the September 4, 2003 Planning Commission meeting.

Stone moved, second by Wevik and unanimously carried to continue the Major Amendment to a Planned Residential Development to alter an approved building envelope to the September 4, 2003 Planning Commission meeting at the applicant's request. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

Fisher requested that Items 20 and 21 be considered concurrently.

20. No. 03PL081 - Hillsvie Subdivision #2

A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2 of Hillsvie Subdivision #2 and dedicated right-of-way, Section 4, T1N, R7E, BHM,

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Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1829 Hillsvie Drive.

21. No. 03SV029 - Hillsvie Subdivision #2

A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God to consider an application for a **Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hillsvie Subdivision #2 and dedicated right-of-way, Section 4, SW1/4 SW1/4 of T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1829 Hillsvie Drive.

Fisher stated that the applicant has requested that Items 20 and 21 be continued to the September 4, 2003 Planning Commission meeting to allow the applicant and staff time to discuss the stipulations of approval.

Stone moved, second by Wevik and unanimously carried to recommend that the Preliminary and Final Plat and the Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides be continued to the September 4, 2003 Planning Commission meeting at the applicant's request. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

Fisher requested that Items 22 and 23 be considered concurrently.

22. No. 03PL082 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien to consider an application for a **Layout Plat** on Lots 1 through 33 of Block 10 of Fairway Hills P.R.D. and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills P.R.D. and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.

23. No. 03SV030 - Fairway Hills P.R.D.

A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 33 of Block 10 of Fairway Hills P.R.D. and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills P.R.D. and a portion of the

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unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.

Fisher stated that the applicant has requested that Items 22 and 23 be continued to the September 4, 2003 Planning Commission meeting to allow the applicant and staff time to review the stipulations of approval.

A brief discussion followed concerning the 100 year federally designated floodplain and a Letter of Map Revision that must be obtained from the Federal Emergency Management Agency prior to the start of any construction within this area.

Schmidt moved, second by Stone and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street be continued to the September 4, 2003 Planning Commission meeting. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

***30. No. 02PD059 - Cleary Subdivision**

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

Fisher stated that she visited the site recently and the applicant has mowed the property correctly and removed the outdoor storage of materials. She added that staff is recommending that the Planned Unit Development - Final Development Plan be approved with stipulations.

Schmidt moved, second by Mickelson and unanimously carried to approve the Planned Unit Development – Final Development Plan with the following stipulations:

Engineering Division Recommendation:

1. Prior to Planning Commission approval, a curb stop shall be constructed along that portion of the parking lot abutting Wellington Drive or surety shall be posted for the improvement;

Urban Planning Division Recommendations:

2. The use of Lot A shall be limited to professional and business office(s). No office use shall be allowed that will result in construction vehicles and/or equipment being parked on the property. In addition, no outdoor storage of building materials shall be allowed;
3. Prior to Planning Commission approval, the additional proposed landscaping shall be planted or surety shall be posted for the

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- improvement;
4. A minimum of 20 parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible;
 5. The signage shall conform architecturally to the proposed sign package. Any additional signage in compliance with the Sign Code Regulations shall be allowed as a minimal amendment to the Planned Unit Development;
 6. The use of Lot B shall be limited to a single family residence and accessory structures to the residential use. Any other use of the property shall require a Major Amendment to the Planned Unit Development; and,
 7. Any future alternate use of the "common area" shall require the review and approval of a Major Amendment to the Planned Unit Development. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone 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.

Marino requested that Items 31 and 32 be considered concurrently.

*31. No. 03PD036 - Section 1, T1N, R7E

A request by Donald Ritchie to consider an application for a **Planned Development Designation** 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.

32. 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.

Marino presented the request and reviewed the slides of the subject property and staff's recommendation. He added that the applicant will have to submit additional information regarding soil stability, geotechnical information, drainage, erosion, infrastructure, and utilities at the time an Initial and Final Development Plan is submitted.

Discussion followed concerning appropriate land uses for the property, changing conditions, surrounding zoning, Park Forest Zoning District and Medium Density Residential Zoning District.

Carman Timmerman, 12 St. Charles Street, expressed her concerns with additional traffic and increased density in the area if the applicant is allowed to construct multiple-family apartments.

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A brief discussion followed concerning the applicant's intentions and the ability for the soils to support development at this location.

Schmidt moved, second by Wevik and carried to recommend that the Rezoning from Park Forest District to Medium Density Residential District be approved and that the Planned Development Designation be approved in conjunction with the associated rezoning request with the following stipulation:

Urban Planning Division Recommendations:

1. **No sign permits or billboards shall be allowed at the site unless approved as part of a Final Development Plan. (7 to 1 with Brennan, Brown, Fast Wolf, Hoffmann, Schmidt, Stone and Wevik voting yes and Mickelson 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.

Marino requested that Items 33 and 34 be considered concurrently.

***33. No. 03PD037 - Section 1, T1N, R7E**

A request by Donald Ritchie to consider an application for a **Planned Development Designation** 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.

34. 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.

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

Wevik stated that he supports the Rezoning request from Park Forest District to Medium Density Residential District based on the surrounding zoning and the Comprehensive Plan. He added that in his opinion the Planned Development Designation will safeguard the community from the impacts of the proposed rezoning.

Discussion followed concerning the notification procedure and the review and approval process for an Initial and Final Development Plan.

Wevik moved, second by Brannan and carried to recommend that the Rezoning from Park Forest District to Medium Density Residential District be

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approved and that the **Planned Development Designation** be approved in conjunction with the associated rezoning request with the following stipulation:

Urban Planning Division Recommendations:

1. No sign permits or billboards shall be allowed at the site unless approved as part of a Final Development Plan. (7 to 1 with Brennan, Brown, Fast Wolf, Hoffmann, Schmidt, Stone and Wevik voting yes and Mickelson 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.

Marino requested that Items 35 and 36 be considered concurrently.

*35. **No. 03PD038 - Flormann Subdivision**

A request by Donald Ritchie to consider an application for a **Planned Development Designation** 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.

36. **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.

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

Stone moved, second by Wevik and carried to recommend that the Rezoning from Park Forest District to Medium Density Residential District be approved and that the Planned Development Designation be approved in conjunction with the associated rezoning request with the following stipulation:

Urban Planning Division Recommendations:

1. No sign permits or billboards shall be allowed at the site unless approved as part of a Final Development Plan. (7 to 1 with Brennan, Brown, Fast Wolf, Hoffmann, Schmidt, Stone and Wevik voting yes and Mickelson 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.

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37. No. 03SV027 - Section 20, T2N, R7E

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

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation. She further explained that the City Council granted numerous Subdivision Variances and Special Exceptions on the subject property in June 2003 but denied a Subdivision Variance for this same request at that time and required the applicant to construct Hidden Valley Lane with a 27 foot wide paved surface.

Discussion followed concerning the Special Exceptions granted regarding direct access and the length of the road.

Fisher advised that the applicant has not posted surety for the improvements or paved the road. She added that the applicant is not present today and is aware of staff's recommendation and plans to discuss the issue with City Council.

In response to a question by Wevik, Fisher advised that Hidden Valley Lane is currently constructed with a 60 foot wide right-of-way and an approximate 12 foot wide paved surface for the eastern most 60 feet of the road as it abuts the subject property and continues east to Sturgis Road with the same pavement design. She added that the balance of the road extending west along the subject property is an approximate 12 to 20 foot wide gravel roadway. Fisher added that staff stands by the previous Council action and the adopted City regulations and recommends that the Variance to the Subdivision Regulations be denied.

Schmidt expressed his concern that the applicant was not present.

Schmidt moved, second by Mickelson and carried to recommend that Variance to the Subdivision Regulations to waive the requirement to install pavement on Hidden Valley Lane be denied. (6 to 2 with Brannan, Brown, Fast Wolf, Hoffmann, Mickelson and Schmidt voting yes and Stone and Wevik voting no)

38. Discussion Items
None

39. Staff Items
A. 2004 Planning Department Budget

Fisher advised that City Council is still reviewing and revising the 2004 Planning Department Budget and requested that the discussion on the budget be continued to the September 4, 2003 Planning Commission meeting.

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B. New Planning Commissioner

Fisher welcomed Gary Brown to his first Planning Commission meeting.

40. Planning Commission Items

A. Covenants

Discussion followed concerning covenants and their importance to the Planning Commission.

In response to a question by Schmidt, Green advised that covenants are essentially private agreements and are beyond the scope of responsibility of the Planning Commission.

B. City Council Liaison

Discussion followed concerning City Council Liaison attendance at Planning Commission meetings.

In response to a question by Stone, Green advised that Sam Kooiker is the City Council Liaison to the Planning Commission and Martha Rodriguez is the alternate. He further advised that it is Kooiker's responsibility to contact the alternate if he is unable to attend the Planning Commission meeting.

In response to a question by Stone, Fisher stated that she would contact Kooiker.

41. Committee Reports

Schmidt provided a summary of the August 15, 2003 Capital Improvements Committee meeting.

Discussion followed concerning the Out of the Dust Program budget and the action by the Committee to consider the request when the next budget is prepared.

Mickelson expressed concern with deferring the increase in the Out of the Dust Program budget for another year. She stated that in her opinion there needs to be more work done to control dust and pave alleys.

Nelson explained the 40/60 match procedure for Out of the Dust Program projects.

Discussion followed concerning air quality and steps that have been taken to resolve non-attainment issues.

Schmidt provided a summary of the August 15, 2003 Tax Increment Financing Committee meeting.

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A brief discussion followed concerning the Homestead/Elk Vale Tax Increment Financing District.

There being no further business Brown moved, seconded by Schmidt and unanimously carried to adjourn the meeting at 7:45. (8 to 0 with Brennan, Brown, Fast Wolf, Hoffmann, Mickelson, Schmidt, Stone and Wevik voting yes and none voting no)