

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 4, 2003

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Patsy Horton, Jeff Marino, Bill Knight, Dave Johnson, 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.

Mickelson requested that Item 4 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Brown seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 5 in accordance with the staff recommendations with the exception of Item 4. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 21, 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 25, 2003 Planning Commission meeting to allow staff sufficient time to review recently submitted information.

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

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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 25, 2003 Planning Commission meeting to allow staff sufficient time to review recently submitted information.

5. No. 03VE011 - Copper Oaks #2 Subdivision

A request by Renner & Sperlich Engineering Co. for Dr. Paul Reinke to consider an application for a **Vacation of Note on Plat** on Lot 15, Copper Oaks#2, located in the N1/2 NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wilderness Canyon Road.

Planning Commission recommended that the Vacation of Note on the Plat be approved with the following stipulation:

Engineering Division Recommendations:

1. **Prior to City Council approval, "Exhibit A" shall be revised to eliminate the notes identifying the setbacks.**

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

4. No. 03SR040 - Seventh Street Right-of-Way

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

Mickelson expressed her concern with the applicant not providing a complete list of the Board of Directors for this organization. She stated that she does not support a time extension through October to allow street dances, moves and vendor in the public right-of-way.

Todd Rigione explained that the Seventh Street Promenade Project is a non-profit organization and that this was their first year of operation. He stated that he has submitted a list of the Board of Directors to staff previously. He added that the board consists of Sandy Thirstrup and Steve Rollinger. He reviewed the status of the program and discussed the request to extend street dances, moves and vendor in public right-of-way through October. Rigione added that the goal of the program once profitable is to donate to the community and support art programs in the schools.

Fisher requested that Stipulation #8 be revised to read that the promenade shall take place from 6:00 p.m. to 12:00 p.m. on Saturdays beginning on Memorial Day Weekend and ending on October 31, 2003. In addition, the use shall be allowed one Saturday per month for the months of November through May and every Saturday June through October. The promenade shall consist of a street dance, movies and vending booths on Saturday and vending booths only on Sunday. A maximum of 35 vending booths shall be allowed at any one time.

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In response to a question by Brown, Elkins explained that this property involves public land and under State statute an 11-6-19 SDCL Review process must be completed. She further explained that staff has recommended approval of the request through December, 2004. She stated that in December, 2004 this 11-6-19 SDCL Review request would be brought back before the Planning Commission for further review.

In response to a question by Prairie Chicken, Rigione stated that the very first weekend the Police Department did receive some complaints regarding the noise. Fisher added that since that first weekend the Police Department has not received any complaints about the promenade.

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

Engineering Division Recommendations:

1. Temporary barricades shall be placed across Seventh Street at the north and south end of the proposed site during the time of the promenade. In addition, barricades shall be placed in the two alleys as they extend east and west from Seventh Street. In addition, signs shall be posted at the Eighth Street and the Sixth Street alley entrance points, respectively, identifying that the alley is barricaded and that no parking within the alley is allowed;
2. Trash cans shall be provided as identified. In addition, all litter and/or debris shall be removed from the property in a timely manner in order to preclude trash from entering the storm sewer system;

Fire Department Recommendations:

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

Building Inspection Division Recommendation:

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

City Attorney's Office Recommendation:

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

Police Department Recommendation:

7. The Police Department Traffic Section shall be provided contact information for the individual(s) responsible for the event and those placing and removing the barricades. The named individual(s) shall be available at any time while the street is barricaded. Any changes in the contact information for any of the street closures shall be reported to the Police Traffic Section prior to the street closure;

Urban Planning Division Recommendations:

8. The promenade shall take place from 6:00 p.m. to 12:00 p.m. on

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Saturdays beginning on Memorial Day Weekend and ending on October 31, 2003. In addition, the use shall be allowed one Saturday per month for the months of November through May and every Saturday June through October. The promenade shall consist of a street dance, movies and vending booths on Saturday and vending booths only on Sunday. A maximum of 35 vending booths shall be allowed at any one time;

- 9. All chairs, booths, trash receptacles and temporary barricades shall be removed Saturday night immediately following the event; and,**
- 10. The portable restrooms shall be removed from the site no later than 10:00 a.m. on Monday. In addition, the portable restrooms shall be chained to prevent the structures from being tipped over and/or removed illegally from the site; and,**
- 11. The SDCL 11-6-19 Review shall be approved to allow the use through December, 2004. (7 to 1 with Brennan, Brown, Hoffmann, Prairie Chicken, Schmidt, Stone and Wevik voting yes and Mickelson voting no)**

---HEARING ITEMS CONSENT CALENDAR---

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

Staff requested that Items 7, 10, 11, 12 and 13 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, seconded by Prairie Chicken and unanimously carried to recommend approval of the Hearing Consent Agenda Items 6 through 20 in accordance with the staff recommendations with the exception of Items 7, 10, 11, 12, 13 and 17. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

6. No. 03OA006 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment 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 to authorize administrative approval of certain plats by adding Section 16.08.035 to the Rapid City Municipal Code be continued to the September 25, 2003 Planning Commission meeting.

8. No. 03CA018 - Section 5, T1N, R8E

A request by Renner & Sperlich Engineering Company for Steve Moore to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows:**

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Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, more generally described as being located at 1600 Creek Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential be continued to the September 25, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description.

9. No. 03RZ030 - Section 5, T1N, R8E

A request by Renner & Sperlich Engineering Company for Steve Moore to consider an application for a **Rezoning from Flood Hazard District to Low Density Residential District** on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the

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northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, more generally described as being located at 1600 Creek Drive.

Planning Commission recommended that the Rezoning from Flood Hazard District to Low Density Residential District be continued to the September 25, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description.

14. No. 03PL084 - Madison's Subdivision

A request by Renner & Sperlich Engineering Co. for Eldene Henderson to consider an application for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Haines Avenue.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, topographic information for the southern half of the subject property shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, construction plans for Haines Avenue providing curb, gutter, sidewalk and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a drainage analysis**

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- shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to provide a non-access easement along Haines Avenue except for approved approach location(s);
 5. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement to pay the supplemental sewer tap fee to be paid at such time as the sewer is constructed;
 6. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; and,

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
15. No. 03SV031 - Madison's Subdivision
A request by Renner & Sperlich Engineering Co. for Eldene Henderson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Haines Avenue.
- Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk be approved.**
16. No. 03RZ029 - Terracita Park Subdivision
A request by the City of Rapid City for Walter Linderman to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13 less a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the

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southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Alta Vista Drive and Minnesota Street.

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

18. 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,

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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 25, 2003 Planning Commission meeting.

19. 2004 Planning Department Budget

Planning Commission recommended that the 2004 Planning Department Budget be approved.

20. 2004-2008 Transportation Improvement Plan - Final Draft

Planning Commission recommended that the 2004-2008 Transportation Improvement Plan - Final Draft be approved.

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

7. No. 03OA007 - Ordinance Amendment

A request by the City of Rapid City to consider an application for Ordinance amendments to Chapter 17.50 of the Rapid City Municipal Code by amending Section 17.50.186 prohibiting Sexually Oriented Businesses in Residential Zoning Districts, the Central Business District and within 1000 feet of certain facilities.

Elkins advised that there is a revised copy of the Ordinance Amendment on the dais. She explained that the only change to the Ordinance Amendment is the title and added that staff is recommending approval with the revised title.

Mickelson moved, Prairie Chicken seconded and unanimously carried to recommend that the Ordinance amendments to Chapter 17.50 of the Rapid City Municipal Code by amending Section 17.50.186 prohibiting Sexually Oriented Businesses in Residential Zoning Districts, the Central Business District and within 1000 feet of certain facilities be approved as revised. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

Fisher requested that Items 10 and 11 be considered concurrently.

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10. 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, 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.

11. 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 applicant has requested that the Preliminary and Final Plat and the Variance to the Subdivision Regulations be continued to the September 25, 2003 Planning Commission meeting to allow the applicant and staff time to review the stipulations of approval.

Wevik moved, Stone seconded 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 25, 2003 Planning Commission meeting at the applicant's request. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

Fisher requested that Items 12 and 13 be considered concurrently.

12. 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.

13. 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**

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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 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 explained that the applicant has requested that the Layout Plat and the Variance to the Subdivision Regulations be continued to the September 25, 2003 Planning Commission meeting.

Stone moved, seconded by Brennan 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 25, 2003 Planning Commission meeting at the applicant's request. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

17. 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,

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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 staff has been working with the applicant to determine alternative funding sources. She explained that a potential funding source is the Infrastructure Development Partnership Fund loan for the road improvements. She further explained that under that method the applicant would repay all the road improvements costs. She added that as each lot is platted a percentage is paid back with the requirement that the loan be fully repaid within 10 years. She explained that there would be no interest for the first five years and the interest rate would be 1% over prime for the last five years. Elkins advised that the Infrastructure Development Partnership Review Committee meet recently and was in agreement with the concept but are still looking for funding sources so that they can make a recommendation to City Council. She added that the Infrastructure Development Partnership Review Committee plans to meet again next week to review funding sources for this project.

Prairie Chicken moved, Mickelson seconded and unanimously carried to recommend that the Resolution Creating Tax Increment District No. 42 be continued to the September 25, 2003 Planning Commission meeting. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

***21. 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.

Marino presented the request and reviewed staff's recommendation.

Brennan moved, seconded by Wevik and unanimously carried to approve the Major Amendment to a Planned Residential Development to alter an approved building envelope with the following stipulations:

Urban Planning Division Recommendations:

- 1. Expansion of the building envelope to allow eight foot side yard setbacks for a single story structure and 12 feet for a two story structure as defined in the Zoning Ordinance instead of the originally approved 15 foot side yard setbacks is hereby granted with the approval of this Major Amendment;**
- 2. Any additional changes to the building envelope shall require a major**

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amendment to the Planned Residential Development.

3. **Prior to Planning Commission approval, the applicant shall submit a revised site plan showing all structures removed from any utility and minor drainage easements;**
- 4 **All applicable provisions of the Low Density Residential Zoning District shall be applicable at all times; and**
5. **Three off-street parking spaces shall be provided at all times. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, 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.

*22. No. 03PD041 - Skyview North Subdivision

A request by Wyss Associates, Inc. for BE Development Company, LLC to consider an application for a **Major Amendment to a Planned Residential Development to adjust the building envelopes to allow an eight foot side yard setback** on property legally described as Lot 3 of Block 1; Lots 1 thru 4 of Block 2; Lot 6 of Block 2; Lots 9 thru 11 of Block 2; all located in Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and east of the intersection of Minnewasta Road and Aster Court.

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

Barry Degen stated that he owns Lot 5, Block 2, Skyview North Subdivision. He expressed his concerns with the major drainage easement that starts on the west end of Lot 4, Block 2, Skyview North Subdivision. He added that he does not oppose the applicant's request to adjust the building envelopes to allow an eight foot side yard setback but is concerned with any alterations to the natural drainage easement in the subdivision.

Fisher explained that as part of the building permit application the applicant will need to submit a grading plan, identify any flows created by that impervious area and insure that there is no impact on the adjacent property.

Erik Heikes, Wyss Associates, stated that the drainage easement on the front of Lot 4 is quite generous and added that he does not foresee any problems with drainage onto Lot 5. He stated that the covenants for the Skyview North Subdivision have established an Architectural Review Committee that approves grading and construction plans.

Wevik moved, seconded by Stone and unanimously carried to approve the Major Amendment to a Planned Residential Development to adjust the building envelopes to allow an eight foot side yard setback with the following stipulations:

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Urban Planning Division Recommendations:

1. **Expansion of the building envelopes to allow eight foot side yard setbacks for a single story structure and 12 foot side yard setbacks for a two story structure as per the Low Density Residential District is hereby granted with the approval of this Major Amendment. In addition, a minimum 30 foot side yard setback shall be maintained along the west lot line of Lot 3, Block 1; a minimum ten foot side yard setback shall be maintained along the south lot line of Lot 1 of Block 2; a minimum ten foot side yard setback shall be maintained along the north lot line of Lot 2 of Block 2; and, a minimum 20 foot side yard setback shall be maintained along the south lot line of Lot 3 of Block;**
2. **Any additional changes to the building envelopes shall require an additional Major Amendment to the Planned Residential Development; and,**
3. **All previous conditions of approval of Planned Residential Development - Final Development Plan #00PD023 shall be continually met. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, 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.

23. **Eglin Street Corridor Study - Final Draft - Presentation**

Dan Ferber, Ferber Engineering, distributed an Executive Summary for the Eglin Street Corridor Study and presented the three alternatives plus a No-Build alternative. He added that the recommended alignment is Alternative 3 in which Eglin Street would be constructed as a three lane urban section for its entire length.

Ferber stated that the South Dakota Department of Transportation has expressed concerns with the impact the reconstruction of Eglin Street will have on the design and level of service of the new interchanges proposed for Exit 60 and Exit 61 on I-90.

Discussion followed concerning public comments received during the Open House, providing continuity, weaving movements, turning movements, control of access, right-of-way and the elimination of the Dyess Avenue overpass.

In response to a question by Brennan, Ferber stated that the Final Draft includes future traffic counts and a complete Traffic Study.

Hoffmann expressed his concerns with Beale Street and the existing South I-90 Frontage Road/Elk Vale Road being a right-in right-out only.

Ferber explained that the South Dakota Department of Transportation plans to construct a raised median through the area north to Cheyenne Boulevard. He added that Cheyenne Boulevard would eventually be signalized once traffic warrants were met. Ferber added that most of the traffic in this area was repeat

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traffic to businesses along the frontage road.

In response to a question by Hoffmann, Horton advised that the next step is to present the Final Draft Report to the City Council and then the Final Report will go back before the Metropolitan Planning Organization for final approval.

Elkins explained the purpose and composition of the Rapid City Metropolitan Planning Organization. She also reviewed the federal funding and match requirements for transportation projects.

Mickelson moved, Wevik seconded and unanimously carried to recommend approval of the Eglin Street Corridor Study - Final Draft.

Wevik concurred with Hoffmann's concerns and also expressed his concerns with the frontage road, the proposed intersections and traffic flow. He stated that in his opinion this is the best alternative to provide good access to frontage that is adjacent to I-90.

Brown expressed his concerns regarding accessibility to businesses adjacent to I-90.

In response to a question by Brown, Elkins advised that the Planning Commission can recommend approval of the Final Draft Report with whatever stipulations they feel are appropriate. She added that Planning Commission recommendations or stipulations would then be passed onto the City Council and to the Rapid City Metropolitan Planning Organization for review and approval.

Discussion followed concerning the South Dakota Department of Transportation's desire to restrict access onto the Heartland Expressway and to force local traffic to stay on local streets.

In response to a question by Brennan, Ferber advised that his staff examined the option of constructing an overpass or underpass but he explained that it was not feasible as there is not enough room due to the location of the railroad and grading concerns.

Horton advised that this alignment was a compromise with the South Dakota Department of Transportation. She explained that the South Dakota Department of Transportation had recommended that Eglin Street be closed at the South I-90 Frontage Road/Elk Vale Road intersection.

The vote on the motion unanimously carried to approve the Eglin Street Corridor Study - Final Draft. (8 to 0 with Brennan, Brown, Hoffmann, Mickelson, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

24. Discussion Items
None

25. Staff Items

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A. Planner I Position

Elkins advised that this is Jeff Marino's last Planning Commission meeting as he has accepted a position back home in Illinois. Elkins thanked Marino for his dedication and hard work to learn the job and provide exceptional customer service.

B. Appeal from the Circuit Court of the Seventh Judicial Circuit - Juvenile Detention Center

Green reviewed the Supreme Court's decision on the appeal regarding the Juvenile Detention Center. He stated that he anticipates that the City Council will direct the City Attorney's Office to pursue a legislative fix.

In response to a question by Hoffmann, Green explained that the Wildwood matter was actually two cases. He advised that the Supreme Court upheld the decision of the Circuit Court that the condemnation action of an access easement by the City of Rapid City was in "bad faith". Green further explained that when the Circuit Court had also determined that the City annexed the Wildwood area the section line highway was vacated because it was not shown on the annexation map. He added that the Supreme Court reversed that decision and stated that simply annexing land without showing the section line right-of-way is not enough to vacate section lines. Green stated that this decision was a success for the City.

26. Planning Commission Items

A. Executive Summary

Wevik requested that an Executive Summary be provided to the Planning Commission in the future along with large studies.

Elkins explained that typically staff does send out the Executive Summary to the Planning Commission but the consultant did not have the Executive Summary prepared yet when the Eglin Street Corridor Study was mailed out in the Planning Commission packets.

B. Reductions in the 2004 Planning Commission Budget

In response to a question by Prairie Chicken, Elkins advised that the City Council has asked the Planning Department to look at the elimination of two interns for \$15,000 and a reduction in capital outlay for \$8,000.

C. Zoning Board of Adjustment

In response to a question by Schmidt, Green advised that he attends the Zoning Board of Adjustment meeting and added that there only needs to be four members of the Zoning Board of Adjustment present to conduct business. He explained that he is not aware of any meetings recently that have not had a quorum.

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27. Committee Reports

A. City Council Report - August 18, 2003

Kooiker pointed out that the Ordinance Amendment to amend Sections 17.14.020 and 17.14.03 to allow microcell cellular communication facilities as defined in Section 17.04.483 on buildings greater than or equal to 45 feet or five stories in a High Density Residential Zoning District that City Council approved on August 18, 2003 had changed considerably since the Planning Commission's denial of the request on June 26, 2003. He added that the City Council voted to allow a microcell cellular communication facility as a Conditional Use Permit.

Elkins advised that she was recently in Sioux Falls and the Planning Department staff showed her a microcell tower that looks like a flagpole. She added that the flagpole type microcell tower is a very attractive facility. She advised that she will email pictures of the tower to the Planning Commission members.

B. Infrastructure Development Partnership Fund Committee

Hoffmann provided an update of the September 2, 2003 Infrastructure Development Partnership Fund Committee meeting.

Mickelson stated that she is concerned with the funding for the Infrastructure Development Partnership. She also expressed concern that funds from sewer and water projects were being utilized as match with Federal and State funds for transportation projects. She stated that in her opinion the Infrastructure Development Partnership loans were detracting from Capital Improvement Program projects.

Elkins explained that the Infrastructure Development Partnership fund is not a revolving loan fund. She added that it was hoped that it would be a revolving loan fund when it was originally created but there was no source of funds that could be identified and it was created by borrowing from the Capital Improvements Program fund balance.

In response to a question by Mickelson, Elkins advised that the City Council has discussed informally a desire to provide additional funding for more loans in the future so that the City can assist in development and make sure that the infrastructure network is completed.

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