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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 8, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Kathryn Henning, Scott Nash, Mel Prairie Chicken, Ethan Schmidt and Stuart Wevik

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Dave LaFrance and Nadine Bauer

Vice - Chairperson Schmidt called the meeting to order at 7:00 a.m.

Schmidt 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.

Brown moved, seconded by Nash and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 3 in accordance with the staff recommendations. (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the December 18, 2003 Planning Commission Meeting Minutes.
2. No. 03SR044 - Rapid City Greenway Tract
A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow construction of an additional golf cart barn and parking** on Tract 4 and the north 27 feet of vacated Flormann Street (also in Section 10, T1N, R7E) Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Meadowbrook Golf Course, 3625 Jackson Boulevard.

Planning Commission recommended that the 11-6-19 SDCL Review to allow construction of an additional golf cart barn and parking be continued at the applicant's request to the January 22, 2004 Planning Commission meeting to allow the applicant to submit a revised site plan.

3. No. 03VR015 - Miracle Pines Subdivision
A request by Sperlich Consulting, Inc. for Dean Kelly to consider an application for a **Vacation of Section Line Highway** on the section line highway located along the north lot line of Lot 6, Miracle Pine Subdivision, all located in the SE1/4 of SW1/4 of Section 16 and in the NE1/4 of NW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3960 Corral Drive.

Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulation:

Engineering Division Recommendation:

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1. **Prior to City Council approval, a 66-foot wide utility easement shall be recorded at the Register-of-Deed's Office.**

END OF NON-HEARING CONSENT CALENDAR

---HEARING ITEMS CONSENT CALENDAR---

Schmidt announced that the Public Hearings on Items 4 through 20 were hereby opened.

Staff requested that Items 11, 16, 17 and 20 be removed from the Hearing Consent Agenda for separate consideration.

The Public Hearings on Items 4 through 20 were hereby closed.

Wevik moved, seconded by Brown and unanimously carried to recommend approval of the Hearing Consent Agenda Items 4 through 20 in accordance with the staff recommendations with the exception of Items 11, 16, 17 and 20 (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

4. No. 03CA037 - Pioneer Subdivision
Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the

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southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; less the east 400 feet, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel contains 8.22 acres more or less, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

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

5. No. 03CA038 - Pioneer Subdivision

Comprehensive Plan Amendment - Summary of Adoption Action to change the future land use designation on a 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development on the east 400 feet of a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 3.78 acres more or less, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

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

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6. No. 03CA039

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan.**

Planning Commission recommended that the Amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan be approved.

7. No. 03CA040 - Springbrook Acres

A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

Planning Commission recommended that Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II be continued to the February 5, 2004 Planning Commission meeting to allow the applicant to submit an Initial Residential Development Plan.

8. No. 03RZ047 - Springbrook Acres

A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for a **Rezoning from Park Forest District to Low Density Residential II District** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

Planning Commission recommended that the Rezoning from Park Forest District to Low Density Residential II District be continued to the February 5, 2004 Planning Commission meeting to allow the applicant to submit an Initial Development Plan.

9. No. 03CA043 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 40.96 acre parcel from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of 1.2 dwelling units per acre** in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area

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Future Land Use Plan to change the land use designation on a 40.96 acre parcel from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of 1.2 dwelling units per acre be approved.

*10. No. 03PD061 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Planned Development Designation** in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

Planning Commission recommended that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

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.

12. No. 03RZ055 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with a Planned Development Designation.

*13. No. 03PD060 - Bradsky Subdivision

A request by WellSpring, Inc. to consider an application for a **Planned Development Designation** on Lots 1 thru 5, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1205 E. St. James Street.

Planning Commission recommended that the Planned Development Designation be continued to the January 22, 2004 Planning Commission meeting to allow the Planned Development Designation to be considered in conjunction with an Amendment to the Comprehensive Plan.

14. No. 03RZ052 - Bradsky Subdivision

A request by WellSpring, Inc. to consider an application for a **Rezoning from Flood Hazard District to Office Commercial District** on Lots 1 thru 3, Block 11, Bradsky

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Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1205 E. St. James Street.

Planning Commission recommended that the Rezoning from Flood Hazard District to Office Commercial District be continued to the January 22, 2004 Planning Commission meeting to allow the rezoning to be considered in conjunction with an Amendment to the Comprehensive Plan.

15. No. 03RZ053 - Bradsky Subdivision

A request by WellSpring, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** Lots 4 and 5, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1205 E. St. James Street.

Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be continued to the January 22, 2004 Planning Commission meeting to allow the rezoning to be considered in conjunction with an Amendment to the Comprehensive Plan.

18. No. 03RZ051 - Auburn Hills Subdivision

A request by Joe Muth for Doeck, LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 1 of Block 1 and Lot 1 of Block 2, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 and 810 Auburn Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential II District be approved.

19. No. 03RZ054 - Sections 19, 20 and 30, T1N, R7E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on property described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; all located in Sections 19 and 20, T1N, R7E, BHM, Pennington County, South Dakota; and, beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; all located in Section 30, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Red Rock Estates and north of Sheridan Lake Road.

Planning Commission recommended that the Rezoning from No Use District

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to General Agriculture District be approved.

---END OF HEARING CONSENT CALENDAR---

11. No. 03PL123 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Layout Plat** in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Minnesota Street west of 5th Street.

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation. Fisher stated that staff and the applicant have agreed to revise stipulation #14 to read: "A Special Exception is hereby granted to allow curbside sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual."

Lawrence Kostaneski, Centerline, Inc. for 3T's Land Development LLC, expressed concerns with stipulation #8 regarding the road construction plans for Middle Valley Drive. He stated his opinion that a Variance to the Subdivision Regulations is not necessary and would like the Planning Commission to allow the applicant to continue the existing Middle Valley Drive into this phase of the development. He stated that in his opinion this is a design exception not a Variance to the Subdivision Regulations.

Fisher briefly reviewed the street design and construction standards, Special Exceptions to the Street Design Criteria Manual and a Variance to the Subdivision Regulations.

Kostaneski expressed his concerns with stipulation #9 requiring the applicant to maintain a 10% grade throughout the entire roadway alignment. He added that the applicant would have to do a considerable amount of grading in order to maintain a 10% grade. He added that in his opinion this is not practical for a subdivision road. He asked the Planning Commission to recognize that the applicant may not be able to maintain a 10% grade due to the topography.

Discussion followed concerning other subdivisions within the City that exceed 10% grade.

LaFrance stated that upon Preliminary Plat application, staff would be willing to consider revising stipulation #9 regarding the 10% grade for that portion of the north-south portion of the street abutting Minnesota Street. LaFrance added that this section would be limited to several hundred feet rather than the entire street length of Middle Valley Drive.

Kostaneski reviewed the topographic constraints in the area and the applicant's ability to provide a south extension of water mains.

LaFrance stated that staff has agreed on previous phases to delay certain aspects

of the infrastructure connection to the south but this is the last phase in which the necessary infrastructure connections can be obtained. He added that it is critical that looping of the water lines occurs through this area. LaFrance suggested that the applicant submit a Master Plan that would indicate where connections would be located.

Kostaneski expressed his concerns with requiring the applicant to submit a Master Plan.

In response to a question by Nash, Fisher stated that the applicant does not own the property to the south. She further explained that at one time, the same owner owned the property to the south and that owner had submitted a Master Plan showing the need for the road and utility connection from this site into the adjacent properties.

In response to a question by Wevik, Fisher stated that stipulation 9 could be revised to read: "Upon submittal of a Preliminary Plat application, the road construction plans for Middle Valley Drive shall identify that the north-south portion of the street shall not exceed a 10% grade to the greatest degree possible or a Special Exception to the Street Design Criteria Manual shall be obtained".

Fisher added that the grade could never exceed 12% unless a Special Exception is obtained.

In response to a question by Nash, Fisher advised that this is a Layout Plat application and the applicant's consultant is looking for direction on these issues before construction plans are prepared.

Kostaneski concurred with Fisher and added that his client is attempting to reduce the number of conflicts concerning street grades now rather than wait until Preliminary Plat submittal.

Wevik expressed concerns with revising stipulation #9 regarding the grade. He added that in his opinion, the Special Exception process is available to the applicant and he would not support revising stipulation #9 and #13. He added that he would support revising stipulation #14 per staff's recommendation.

Wevik moved, seconded by Brown and carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat application and/or upon submittal of a grading permit, whichever occurs first, a geotechnical analysis demonstrating slope stability(s) of the proposed lots shall be submitted for review and approval in order to identify that building envelopes are being provided. In addition, the plat document shall be revised to reconfigure and/or eliminate lots as needed in order to insure that a building envelope exists on each lot;
2. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval. The

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- drainage plan shall demonstrate that the development complies with the adopted drainage basin design plan and shall adjust the on-site detention cell if necessary. In addition, the plat document shall be revised to provide drainage easement(s) as necessary. The plat document shall also be revised to reconfigure and/or eliminate lots as needed to accommodate the drainage easement(s);
3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, the water plans shall show parallel lines for the Terracita High Water Zone and the Robbinsdale Water Zone along Minnesota Street and Middle Valley Drive. The water plans shall also demonstrate that the water mains are located within the proposed rights-of-way or a Special Exception to the Street Design Criteria Manual shall be obtained. The City shall participate in any oversize costs for the parallel water main construction;
 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
 5. Upon submittal of a Preliminary Plat application, road construction plans for Minnesota Street shall be submitted for review and approval. Minnesota Street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;
 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised relocating Minnesota Street from the City's water storage tank lot or the applicant shall obtain approval from the City to locate a portion of the street on the City's property. If approved by the city Council, the plat document shall be revised to include the City on the Certificate of Ownership title;
 7. Upon submittal of a Preliminary Plat application, road construction plans shall be submitted for review and approval providing an all weather surface turnaround at the end of Minnesota Street or a Special Exception to the Street Design Criteria Manual shall be obtained;
 8. Upon submittal of a Preliminary Plat application, road construction plans for Middle Valley Drive shall be submitted for review and approval. Middle Valley Drive shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 paved surface, curb, gutter, sidewalk, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of a Preliminary Plat application, the road construction plans for Middle Valley Drive shall identify that the north-south portion of the street shall not exceed a 10% grade or a Special Exception to the Street Design Criteria Manual shall be obtained;
 10. Upon submittal of a Preliminary Plat application, road construction

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- plans for the un-named cul-de-sac shall be submitted for review and approval. The cul-de-sac shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, road construction plans for the un-named cul-de-sac bulb shall be submitted for review and approval. In particular, the bulb shall be constructed with a minimum 110 foot diameter right-of-way and a 90 foot wide paved surface or a Special Exception to the Street Design Criteria Manual shall be obtained;
 12. Upon Preliminary Plat submittal application, construction plans shall be submitted for review and approval to show grading the full width of the rights-of-way or a Special Exception to the Street Design Criteria Manual must be obtained;
 13. Upon submittal of a Preliminary Plat application, a road connection shall be provided to the south lot line or a Master Plan of the adjacent property(s) shall be submitted for review and approval demonstrating that the road connection is not needed. At a minimum, parallel water mains shall be extended to the south lot line for the Terracita High and the Robbinsdale Water Zones;
 14. A Special Exception is hereby granted to allow curbside sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual;
 15. Upon submittal of a Preliminary Plat application, a phasing plan shall be submitted for review and approval;
 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Lots 1, 7, 8, 9, 12 and 35 as they abut Minnesota Street or a Special Exception to the Street Design Criteria Manual shall be obtained to allow access from a street other than the lesser order street ;
 17. Prior to Preliminary Plat approval by the City Council, the section line highway located along the west lot line shall be improved to City Street Design standards with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
 18. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;

Fire Department Recommendation:

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

Register-of-Deed's Office Recommendation:

20. Upon submittal of a Preliminary Plat application, the plat document

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shall be revised eliminating "Phase 4" from the title;

Urban Planning Division Recommendations:

21. Upon submittal of a Preliminary Plat application, the plat document shall be revised re-naming proposed Outlots 1 and 2 to consecutive Lot and Block numbers;
22. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
23. Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall submit documentation concurring with the proposed vacation of an existing 66 foot wide access and utility easement;
24. Prior to Final Plat application, a Comprehensive Plan Amendment to the South Robbinsdale Neighborhood Future Land Use Plan shall be approved to allow a Planned Residential Development with a maximum 1.2 dwelling units per acre in lieu of a Planned Residential Development with a maximum of 1 dwelling unit per acre; and,
25. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (6 to 1 with Brown, Fast Wolf, Henning, Prairie Chicken, Schmidt and Wevik voting yes and Nash voting no)

Fisher requested that Items 16 and 17 be considered concurrently.

16. **No. 03PL125 - Morningside Addition**

A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Layout Plat** on Lot 1 Revised of Block 7 of Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; and, Lots 5 and 6, Block 8; all located in Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of West Boulevard North along Oriole Drive and Thrush Drive.

17. **No. 03SV050 - Morningside Addition**

A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised of Block 7 of Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; and, Lots 5 and 6, Block 8; all located in Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of West Boulevard North along Oriole Drive and Thrush Drive.

Fisher stated that the applicant has requested that the Layout Plat and the Variance

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to the Subdivision Regulations be continued to the January 22, 2004 Planning Commission meeting.

Wevik moved, seconded by Nash and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 22, 2004 Planning Commission meeting at the applicant's request. (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

*20. No. 02UR008 - Section 20, T2N, R8E

A request by Davis Engineering for Gary & Shirley Wolff to consider an application for a **Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District** in the SW1/4 SW1/4 and the N8/10ths of W1/2 W1/2 of SE1/4 SW1/4, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 Seger Drive.

Fisher advised that staff is requesting that the Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the January 22, 2004 Planning Commission meeting as three of the stipulations of approval have not been met.

Wevik moved, seconded by Nash and unanimously carried to continue the public hearing on the Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District to the January 22, 2004 Planning Commission meeting. (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 21 and 22 be considered concurrently.

21. 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.

22. 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.

Fisher explained that these two items have been continued since March 2002 and the other request has been continued since September 2002. She stated that staff is recommending that these items be denied without prejudice, as the applicant has not resolved the outstanding issues. She added that the applicant has not submitted revised construction plans, red line drawings or drainage information.

Ron Davis, Davis Engineering, requested that the Planning Commission continue Items 21 and 22 to the February 5, 2004 Planning Commission meeting. He explained that he has been working on the profile sheets and plans to submit them to staff for review on Friday, January 9, 2004.

In response to a question by Prairie Chicken, Davis stated that he would be able to have all the required information to staff for review for the next Planning Commission meeting.

Nash moved and seconded by Brown to continue the Preliminary and Final Plat and the Layout, Preliminary and Final Plat be continued to the February 5, 2004 Planning Commission meeting at the applicant's request.

Fisher clarified that all of the revised information must be submitted by Friday, January 9, 2004 in order to be heard before the Planning Commission on February 5, 2004.

Brown called the question. There was no objection to calling the question.

The vote on the motion unanimously carried to recommend that the Preliminary and Final Plat and the Layout, Preliminary and Final Plat be continued to the February 5, 2004 Planning Commission meeting at the applicant's request. (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Fisher requested that Items 23 and 24 be considered concurrently.

23. No. 03PL119 - Twilight Hills Subdivision

A request by D.C. Scott Co. for Jerry Burrow to consider an application for a **Layout Plat** on Lot 16 of Twilight Hills Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5252 Ross Court.

24. No. 03SV048 - Twilight Hills Subdivision

A request by D.C. Scott Co. for Jerry Burrow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement and to waive the**

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requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code on Lot 16 of Twilight Hills Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5252 Ross Court.

Fisher presented the requests and reviewed the slides of the subject property and staff's recommendations. She further discussed the waiver of right to protest, the dedication of right-of-way request and the cost sharing agreement requested by Pennington County Highway for the Reservoir Road design. She added that the applicant is in agreement with the stipulations of approval.

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

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, a grading plan and a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
2. Upon submittal of a Preliminary Plat, a complete site plan shall be submitted for review and approval showing all development on the property including accessory structures, retaining walls, fences and service line locations as well as approaches on both sides of Reservoir Road and Ross Court as they abut the subject property;
3. Upon submittal of a Preliminary Plat, road construction plans for Reservoir Road shall be submitted for review and approval. Reservoir Road shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat, road construction plans for Ross Court shall be submitted for review and approval. Ross Court shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the Planning Commission, a Special Exception shall be obtained to allow Reservoir Road, which is not the lesser order street, to serve as access to proposed Lot A or the plat document shall be revised to show access to proposed Lot A from Ross Court;
6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. Prior to Final Plat approval by the City Council, the plat document shall be revised to include the dedication of 17 additional feet of right-of-way along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;
8. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Ross Court and Reservoir Road except for approved approach location(s);

Pennington County Highway Department Recommendations:

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9. Prior to Final Plat approval by the City Council, an approach permit shall be obtained to allow access from Reservoir Road to proposed Lot A. In addition, the approach shall be constructed or surety posted for the improvement;

Pennington County Planning Department Recommendation:

10. Prior to Final Plat approval by the City Council, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the front yard setback from 25 feet to 8.9 feet for the single family residence located on proposed Lot A resulting from the dedication of 17 additional feet of right-of-way along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to dedicate the additional right-of-way;
11. Prior to Final Plat approval by the City Council, a building permit to allow a single family residence on proposed Lot A shall be submitted for review;

Urban Planning Division Recommendations:

12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit and to improve pavement along Reservoir Road and for the installation of curb, gutter, sidewalk and street light conduit along Ross Court; and,

Pennington County Highway Department Recommendation:

2. Prior to City Council approval, the applicant shall enter into a cost sharing agreement for improvements along Reservoir Road. (7 to 0 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Fisher requested that Items 25 and 26 be considered concurrently.

25. **No. 03PL122 - Darlington Estates**

A request by Centerline for Magheramore, LLC to consider an application for a **Layout Plat** on Lots 1 thru 10, Block 1, Darlington Estates, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lamb Road and Old Folsom Road.

26. **No. 03SV049 - Darlington Estates**

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A request by Centerline for Magheramore, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, pavement and to provide a planting screen as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10, Block 1, Darlington Estates, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lamb Road and Old Folsom Road.

Fisher presented the applications and reviewed the slides of the subject property and staff's recommendations.

In response to a question by Nash, Fisher stated that staff is recommending that the design of Old Folsom Road match the paving widths that already exist adjacent to the subject property.

Lawrence Kostaneski, Centerline, Inc. for Magheramore, LLC, expressed concerns with stipulation #3 for the Layout Plat regarding an on-site wastewater plan prepared by a Professional Engineer. He also expressed concerns with the applicant being required to pave Old Folsom Road and requested that the Planning Commission allow Old Folsom Road to be included in a waiver of right to protest.

In response to a question by Wevik, Fisher stated that the extension of Old Folsom Road to be paved is approximately 400 to 500 feet.

In response to a question by Schmidt, Kostaneski stated that the applicant does not intend to develop the property as a residential lot. He added that the applicant does not wish to pay approximately \$15,000 in paving costs for Old Folsom Road at this time as he planned to maintain this lot as a location for a salt lick and stock tank. He further explained that the applicant is not opposed to providing the road improvements at some point in the future and would like the Planning Commission to add Old Folsom Road to the waiver of right to protest request.

Kostaneski further discussed the internal roadways and equestrian concerns.

In response to a question by Prairie Chicken, Elkins explained that the City cannot do assessment projects outside of the city limits. She added that if this property was adjacent to the city limits a waiver of right to protest may be an option but because of the timeframes involved in annexing this property into the city limits it is unlikely that an assessment process could be used. She added that staff anticipates development of this property into home sites and as such the standard with all plats of property within the three mile platting jurisdiction is that all roads be paved.

In response to a question by Nash, Elkins explained that a note could be placed on the plat but she cautioned that the effectiveness is limited.

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Kostaneski stated that in his opinion a waiver of right to protest is a useful tool and feels that it would be acceptable to include the paving of Old Folsom Road. He added that believes this area will be developed and annexed within the city limits within 10 to 15 years.

Schmidt stated that he supports staff's recommendations concerning paving and planned to oppose including the paving of Old Folsom Road in a waiver or right to protest.

Fisher requested that the stipulations 1 thru 5 for the Variance to the Subdivision Regulations be revised to read: "Upon submittal of a Preliminary Plat..." in lieu of "Prior to City Council approval..."

In response to a question by Wevik, Fisher reviewed the planting screen easement requirement. Discussion followed.

In response to a question by Nash, Fisher stated that the applicant has not shown an approach to the lot. She added that staff and the applicant have agreed that the access should come from Old Folsom Road in lieu of Lamb Road. She added that staff has requested that the applicant provide a Master Plan for the unplatted balances and any potential subdivision of these ten acre lots.

Nash moved and seconded by Prairie Chicken to recommend approval of the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, pavement and to provide a planting screen as per Chapter 16.16 of the Rapid City Municipal Code per staff's recommendations with the added stipulation that a note be placed on the plat that before any further platting takes place Old Folsom Road and the internal roads would have to be paved.

Prairie Chicken stated that he supports the motion. He added that in his opinion it is difficult to require only one property owner to pay for all of the costs for paving Old Folsom Road and the internal roads.

Schmidt stated that in his opinion, the interior roads should be paved now and he plans to oppose the motion.

Elkins cautioned the Planning Commission about setting a precedent in terms of what kinds of improvements are required within the three-mile platting jurisdiction.

Prairie Chicken withdrew his second to the motion.

Discussion followed concerning the interior roads.

Henning seconded the motion to recommend approval of the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, pavement and to provide a planting screen as per Chapter 16.16 of the Rapid City Municipal Code per staff's recommendations with the added stipulation that a note be placed on the plat that before any further platting takes place Old Folsom Road and the

internal roads would have to be paved.

Wevik stated that in his opinion the interior roads need to be paved now and added that he does not support the motion to include the internal roads in a waiver of right to protest.

Nash amended his motion to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, pavement and to provide a planting screen as per Chapter 16.16 of the Rapid City Municipal Code be approved per staff's recommendations with the added stipulation that a note be placed on the plat that before any further platting takes place Old Folsom Road would have to be paved. Henning concurred with the amended motion.

The vote on the motion failed. (2 to 5 Henning and Nash voting yes and Brown, Fast Wolf, Prairie Chicken, Schmidt and Wevik voting no)

Wevik stated that he supports approval of the Variance to the Subdivision Regulations to waive the requirement for a planting screen easement.

Wevik moved, seconded by Brown and carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. The drainage plan shall provide controls to maintain run-off to pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for Old Folsom Road shall be submitted for review and approval. Old Folsom Road shall be constructed with a minimum 100 foot wide**

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right-of-way and a 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;

6. Upon submittal of a Preliminary Plat application, road construction plans for Lamb Road shall be submitted for review and approval. Lamb Road shall be constructed with a minimum 100 foot wide right-of-way and a 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, road construction plans for the private access easement shall be submitted for review and approval. The private access easement shall be constructed to City standards with a minimum 45 foot wide easement width and a 20 foot wide paved surface and curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans for the "52 foot wide right-of-way" un-named cul-de-sac shall be submitted for review and approval. The cul-de-sac shall be constructed to City standards with a 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained. If the turnaround is located outside of the area being platted, an access easement shall be recorded at the Register-of-Deed's Office as a miscellaneous document prior to Final Plat application;
9. Upon submittal of a Preliminary Plat application, construction plans for the section line highway shall be submitted for review and approval. The section line highway shall be constructed to City standards with a minimum 24 foot wide paved surface, curb, gutter street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained to waive the street improvement or the section line highway shall be vacated or re-located;
10. Upon submittal of a Preliminary Plat application, a Master Plan for the balance of the two properties shall be submitted for review and approval;
11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;

Fire Department Recommendations:

12. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
13. A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac without intermediate turnarounds in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual with the stipulation that a turnaround

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with a minimum 118 foot diameter right-of-way and a 92 foot wide diameter paved surface shall be provided at the end of the cul-de-sac;

Pennington County Highway Department Recommendations:

14. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Old Folsom Road and Lamb Road except for the approved approach location to Lot 1;
15. Upon submittal of a Final Plat application, a road maintenance agreement for the private access easement and the "52 foot wide right-of-way" cul-de-sac shall be submitted for review and approval;

Pennington County Planning Department Recommendations:

16. Upon submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Limited Agriculture District;
17. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
18. Upon submittal of a Final Plat application, the applicant shall provide a copy of a homeowners covenants identifying that a minimum 50 foot setback will be provided along the proposed private access easement;

Emergency Services Communication Services Recommendation:

19. Upon submittal of a Preliminary Plat, road names for the private access easement and the "52 foot wide right-of-way" cul-de-sac shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names;

Urban Planning Division Recommendations:

20. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 10 foot wide planting screen easement along Old Folsom Road and Lamb Road or a Variance to the Subdivision Regulations shall be obtained;
21. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

that the Variance to the Subdivision Regulations to waive the requirement to install a 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer along the section line highway be denied; that the Variance to the Subdivision Regulations to waive the requirement to pave Old Folsom Road, the private access easement and the "52 foot wide right-of-way" cul-de-sac be denied; that the Variance to the Subdivision Regulations to waive the requirement that a planting screen easement be provided be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water along Old Folsom Road, Lamb Road, the private access easement and the "52 foot wide right-of-way" cul-de-sac" be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, road construction plans showing Old Folsom Road being constructed with a minimum 24 foot wide paved surface shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, road construction plans showing the "52 foot wide right-of-way" cul-de-sac being constructed with a minimum 20 foot wide paved surface shall be submitted for review and approval. In addition, the bulb of the cul-de-sac shall be located within a minimum 110 diameter right-of-way and constructed with a minimum 92 foot wide paved surface;
3. Upon submittal of a Preliminary Plat, road construction plans showing the private access easement being constructed with a minimum 20 foot wide paved surface shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat, the applicant shall sign a waiver of right to protest a future assessment for the curb, gutter, street light conduit, sewer and water improvements along Old Folsom Road, Lamb Road, the private access easement and the "52 foot wide right-of-way" cul-de-sac; and,

Pennington County Highway Department Recommendation:

5. Upon submittal of a Preliminary Plat, the section line highway shall be vacated or relocated. (6 to 1 with Brown, Fast Wolf, Henning, Prairie Chicken, Schmidt and Wevik voting yes and Nash voting no)
27. No. 03SR049 - South Creek Industrial Park

A request by FMG, Inc. for the State of South Dakota Department of Corrections to consider an application for an **11-6-19 SDCL Review to allow a detention facility** on Lot 1, Block 1, South Creek Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. Tallent Street and Creek Drive.

Elkins presented the request and reviewed the slides of the subject property and staff's recommendation. She explained that all of the stipulations of approval have been met with the exception of stipulations 1, 3 and 4. Elkins reviewed stipulation #3 regarding the fire sprinkler system and the requirement to have an on-site fire hydrant.

In response to a question by Prairie Chicken, Elkins explained that the Department of Corrections had identified a location in the area of Materials Recovery Facility but after testing on the site was completed it was determined that there was methane gas on site and a building could not be placed there.

Nash moved and seconded by Henning to approve the 11-6-19 SDCL Review request to allow a detention facility with the following stipulations:

Engineering Division Recommendations:

1. Prior to occupying the site or issuance of a Building Permit, whichever occurs first, a Flood Plain Development Permit must be obtained for improvements subject to the provisions of Section 15.32 of the Rapid City Municipal Code;
2. Prior to Planning Commission approval, a revised site plan shall be

- submitted showing the connection of the facility to the sewer main;
3. Prior to occupancy of the structure, a fire sprinkler system including an on-site fire hydrant and fire alarm system shall be installed;
 4. Prior to issuance of a Building Permit, all building plans shall be stamped by a licensed architect as required by State statute;
 5. Prior to Planning Commission approval a revised site plan showing a roof top air changer shall be provided;
 6. Prior to Planning Commission approval, a revised site plans shall be submitted showing all off-street parking areas and access being paved with an impervious surface. All off-street parking areas and access areas shall be paved prior to occupancy or surety acceptable to the City Attorney shall be posted and the improvements completed with in the next construction season;
 7. Prior to Planning Commission approval, a revised site plan shall be submitted showing 12 off-street parking stalls with a minimum of one being handicapped van accessible;
 8. Prior to Planning Commission approval, a revised site plan showing outdoor lighting arranged to provide security and to reflect light toward the parking shall be provided;
 9. Prior to Planning Commission approval, a landscape plan shall be submitted; and,
 10. Prior to Planning Commission approval, a revised site plan showing the outdoor recreation shall be submitted.

Jim Raysor, Director of Community Service for the State of South Dakota Department of Corrections, expressed his thanks to the City and staff for their cooperation and efforts regarding the 11-6-19 SDCL Review to allow a detention facility.

In response to a question by Brown, Knight advised that staff has visited the site and determined that there is adequate room for fire apparatus to turn around.

Mayor Jim Shaw stated that the City and State have worked diligently on this project and are anxious to proceed. He explained that many of the trustees that will be in this facility are from the Rapid City area and nearing the end of their term. He added that having these trustees in Rapid City will aid in gradually integrating the trustees back into the community and into a work situation. He urged the Planning Commission to support the 11-6-19 SDCL Review to allow a detention facility.

The vote on the motion unanimously carried to recommend that the 11-6-19 SDCL Review to allow a detention facility be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to occupying the site or issuance of a Building Permit, whichever occurs first, a Flood Plain Development Permit must be obtained for improvements subject to the provisions of Section 15.32 of the Rapid City Municipal Code;
2. Prior to Planning Commission approval, a revised site plan shall be

- submitted showing the connection of the facility to the sewer main;
3. Prior to occupancy of the structure, a fire sprinkler system including an on-site fire hydrant and fire alarm system shall be installed;
4. Prior to issuance of a Building Permit, all building plans shall be stamped by a licensed architect as required by State statute;
5. Prior to Planning Commission approval a revised site plan showing a roof top air changer shall be provided;
6. Prior to Planning Commission approval, a revised site plans shall be submitted showing all off-street parking areas and access being paved with an impervious surface. All off-street parking areas and access areas shall be paved prior to occupancy or surety acceptable to the City Attorney shall be posted and the improvements completed with in the next construction season;
7. Prior to Planning Commission approval, a revised site plan shall be submitted showing 12 off-street parking stalls with a minimum of one being handicapped van accessible;
8. Prior to Planning Commission approval, a revised site plan showing outdoor lighting arranged to provide security and to reflect light toward the parking shall be provided;
9. Prior to Planning Commission approval, a landscape plan shall be submitted; and,
10. Prior to Planning Commission approval, a revised site plan showing the outdoor recreation shall be submitted. (7 to 1 with Brown, Fast Wolf, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

*28. No. 03UR018 - Miracle Place Subdivision

A request by Ronald Petty to consider an application for a **Conditional Use Permit to allow a private garage in excess of 1,500 square feet, in excess of the footprint of the dwelling unit, and greater than 30% of the gross floor area of the dwelling unit** on Lot A (Also in Section 8), Miracle Place Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4349 Miracle Place.

Tucker presented the application and reviewed the slides of the subject property and staff's recommendation. He pointed out that letters from Mr. Heacock and Mrs. Moe have been distributed to the Planning Commission for review.

Fast Wolf left the meeting.

In response to a question by Schmidt, Tucker reviewed the site plan and application.

Discussion followed concerning the revised landscaping plan and placement of the trees.

In response to a question by Schmidt, Tucker advised that prior to occupancy of the garage, the applicant would record a notice with the Register of Deeds stating that the garage will not be used for commercial purposes.

Roger Heacock, 4500 Miracle Place, advised that he supports staff's recommendations. He further asked that the applicant be required to place the trees a minimum of four feet south of the applicant's north property line.

Eleanor Moe, 4560 Cliff Drive, reviewed her letter to the Planning Commission in which she requested four evergreen trees and additional landscaping. She added that she would like the applicant to also provide four junipers as ground screening.

In response to a question, Elkins advised that staff has no objections to the Planning Commission adding additional stipulations.

Discussion followed concerning additional landscaping and the placement of trees on Moe's property.

In response to a question by Nash, Ron Petty, applicant, stated that he would provide Moe four pines and four junipers and would not place holes on Heacock's property.

Wevik moved, seconded by Brown and unanimously carried to approve the Conditional Use Permit to allow a private garage in excess of 1,500 square feet, in excess of the footprint of the dwelling unit, and greater than 30% of the gross floor area of the dwelling unit be approved with the following stipualtions:

Urban Planning Division Recommendations:

1. Prior to occupancy of the garage, the applicant shall provide four ponderosa pine trees along the north property line at least six feet in height and spaced at 15 foot intervals, all to be located at least four feet from the property line on the applicant's property; and, that the applicant coordinate with the adjacent property owner to plant four ponderosa pines and four junipers on the adjacent property located directly south of the subject property. Said trees shall also be at least six feet in height; and;
2. Prior to occupancy of the garage, the applicant shall record a notice with the Register of Deeds stating that the garage will not be used for commercial purposes. (6 to 0 with Brown, Henning, Nash, Prairie Chicken, Schmidt 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.

29. **No. 03VR013 - Wise's Addition**

A request by Alliance of Architects and Engineers for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Right-of-Way** on that portion of the alley of Block 13, Wise's Addition adjacent to Lots 4 thru 10 and Lots 11 thru 17 of said Block 13, located

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in the S1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 305, 307, 311 and 313 East Adams Street.

Tucker stated that staff is recommending that the Vacation of Right-of-Way be continued to the January 22, 2004 Planning Commission meeting to allow the applicant time to enter into an agreement with the City of Rapid City identifying that surface restoration due to any operations, maintenance or reconstruction of public utilities shall be the responsibility of the property owner

In response to a question by Schmidt, Tucker advised that this is an alley.

Wevik moved, seconded by Henning to continue the Vacation of Right-of-Way to the January 22, 2004 Planning Commission meeting. (6 to 0 with Brown, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Elkins requested that Discussion Items A and D be considered concurrently.

30. Discussion Items

- A. Multi-family Dwelling Units in Medium Density Residential Zoning Districts
- D. Allowing Multi-Family Dwelling Units in Low Density Residential Zoning Districts

Elkins suggested that Discussion Items A and D be continued to the January 22, 2004 Planning Commission meeting due to time constraints.

Nash moved, seconded by Brown and unanimously carried to recommend that the discussion on Multi-family Dwelling Units in Medium Density Residential Zoning Districts and Allowing Multi-Family Dwelling Units in Low Density Residential Zoning Districts be continued to the January 22, 2004 Planning Commission meeting. (6 to 0 with Brown, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

- B. Setback Exceptions for Wheelchair Ramps

Elkins reviewed possible amendments to Section 17.50.250(C) of the Rapid City Municipal Code pertaining to provisions for wheelchair ramps.

Discussion followed concerning minimizing impacts, the American's with Disabilities Act (ADA) requirements, the Unified Building Code (UBC) requirements, building permits, design review and minimum standards.

Green expressed concerns with allowing staff to have too much discretion. He stated that in his opinion, this is an invitation to litigation and he would prefer clear and concise criteria for staff to use to review applications.

Wevik moved, Brown seconded and unanimously carried to direct

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staff to advertise for a public hearing to consider amendments to Section 17.50.250(C) of the Rapid City Municipal Code pertaining to provisions for wheelchair ramps. (6 to 0 with Brown, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

C. Definition of Kitchens

Elkins stated that on January 5, 2004, the City Council directed staff to prepare amendments to the Zoning Ordinance to eliminate the restriction on a single kitchen as included in the definition of dwelling unit contained in Section 17.04.240 of the Rapid City Municipal Code. She further advised that staff is currently reviewing alternative language for the definition of dwelling unit and that the Planning Commission will hear this item at the January 22, 2004 Planning Commission meeting.

31. Staff Items
None

32. Planning Commission Items
None

There being no further business Prairie Chicken moved, seconded by Nash and unanimously carried to adjourn the meeting at 9:18 a.m. (6 to 0 with Brown, Henning, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)